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<i>President:</i>	Mr. Tafrov	(Bulgaria)
<i>Members:</i>	Angola	Mr. Lucas
	Cameroon	Mr. Tidjani
	Chile	Mr. Muñoz
	China	Mr. Cheng Jingye
	France	Mr. Duclos
	Germany	Mr. Trautwein
	Guinea	Mr. Sow
	Mexico	Mr. Pujalte
	Pakistan	Mr. Akram
	Russian Federation	Mr. Karev
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Cunningham

Agenda

Protection of civilians in armed conflict

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The meeting was called to order at 10.15 a.m.

Expression of sympathy in connection with the bomb attack in the Russian Federation

The President (*spoke in French*): Before moving to the item on the agenda, I would like to convey the condolences of the Security Council to the delegation of the Russian Federation on the occasion of the events that occurred in Moscow yesterday, involving the loss of lives of innocent people. I ask the Russian delegation to receive the condolences of the Security Council on this occasion.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President (*spoke in French*): I should like to inform the Council that I have received letters from the representatives of Azerbaijan, Canada, Colombia, Egypt, Italy, Japan, Norway, the Republic of Korea, Sierra Leone, Switzerland and Ukraine, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, and Emergency Relief Coordinator.

There being no objection, it is so decided.

I invite Mr. Egeland to take a seat at the Council table.

The Security Council will now begin its consideration of the item on the agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing from Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, and Emergency Relief Coordinator.

I now give the floor to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

Mr. Egeland: On behalf of my colleagues in the humanitarian community, I thank you, Sir, for giving me this opportunity to address the Council in an open meeting. This is my first opportunity to brief the Council, and it is most fitting that the topic is the critical issue of how better to protect civilians in armed conflict.

Mr. President, we have a common agenda. The Security Council is the principal mechanism of the United Nations for the promotion of peace and security around the globe. The humanitarian community administers to victims in the absence of peace and security.

It was my predecessor, Sergio Vieira de Mello, who, with his usual foresight, first introduced this topic to the Security Council. Sergio had a keen awareness of the important nexus between peace and security, humanitarian affairs and human rights. Indeed, his career spanned all these aspects of the Organization's work.

The tragic and untimely death of Sergio and those serving with him has underscored a number of unwelcome truths relating to that critical nexus. Most obviously, the landscape in which the United Nations is operating is changing. We have in recent months witnessed what I can only describe as assassinations of humanitarians from across the spectrum: the United Nations, the Red Cross and Red Crescent movement and non-governmental organizations. Those deliberate attacks against humanitarian personnel dramatically reduce access to civilians in armed conflict and the humanitarian space required to render support. And without those two prerequisites, we fail in our responsibility to protect.

We seem to be moving into a time where the protection challenges are more complex. If we fail to

keep abreast of this changing environment, we will end up with even greater challenges to international peace and security. The threats are constantly evolving: new weapons, new ways of conducting war, new ways of inflicting violence, new ways of deterring those who would keep the peace and those who would bring assistance. Seen against that evolving context, the protection of civilians should be viewed not as a static problem, but rather as a shifting series of challenges that we must all address with innovative and direct policies and tools.

Together, we can and must confront those challenges. We have made some headway over the past six months. In my briefing today, I shall outline developments since the last update was presented to the Council by my predecessor, Kenzo Oshima, in June. I shall review a number of current country situations through the lens of the protection of civilians. I shall also present two important documents developed by my Office over the past year — the road map and the aide-memoire on the protection of civilians — and I shall conclude with a 10-point platform for future collective action.

In the current complex environment for humanitarian action that I have described, what should be done?

First, we should address access and protection. It is not acceptable that we are denied access to affected populations in the majority of crises where we are deployed. There are more than 20 countries where access to civilian populations in need is in some way restricted. Together, we must work with Governments — and, where necessary, with armed groups — to systematically address restrictions on access. Vulnerable communities have the right to receive humanitarian assistance, and we have the right and the obligation to provide it.

For example, on my recent mission to Uganda, I saw a stark picture of what the absence of humanitarian access means. Outside the main northern and eastern towns, access has been dramatically reduced by the increased activity of the Lord's Resistance Army (LRA). Some 1.3 million people have been displaced by the war. Many of those people are living in "resettlement camps" in inaccessible areas, with severely limited access to their lands, to their livelihoods and to humanitarian assistance. In those circumstances, food aid provided through the World

Food Programme is saving more than 80 per cent of the population from starvation, but even that food aid is vulnerable to looting during LRA attacks. Humanitarian access is entirely dependent on too-limited and too-unreliable military escorts.

Issues of humanitarian access in the occupied Palestinian territory also continue to be of serious concern. Recent developments — including the construction of the Israeli security barrier — will serve only to further limit the access that affected communities have to humanitarian assistance, to essential services and to their livelihoods. Our efforts to secure access where it is denied require unflagging commitment provided on a systematic basis by all of us.

By contrast, today we are seeing in the Democratic Republic of the Congo what the return of a measure of security can mean for the restoration of humanitarian access. The turning point came with a strengthened peacekeeping force and the political commitment of the Government and the regional actors — supported by the international community — to a peace process that has begun to take hold. As a result, humanitarian access has begun to improve after years of deterioration. In the eastern Democratic Republic of the Congo, increased access has inevitably revealed greater need. If we are to consolidate peace and security, the humanitarian community must be able to meet those expectations.

Despite the inherent risks in these fragile situations, the international community must recognize its responsibility to ensure adequate and timely resources or risk losing the momentum towards peace. The history of the region has demonstrated too-cautious donor behaviour. The international community must now demonstrate the same level of commitment that it has to higher-profile crises in the Middle East and elsewhere.

The second major challenge is the security of humanitarian workers. There can be no access when humanitarian workers are denied security. Our emblems have always provided us with a certain protection based on an understanding and acceptance of our humanitarian mission. That has now been tragically challenged in Iraq and Afghanistan. The past six months have also seen our humanitarian colleagues threatened and targeted in Somalia, the Democratic Republic of the Congo, Burundi, the occupied

Palestinian territory, Chechnya and various other areas. I wish to emphasize that national staff in several countries have, at great personal risk, continued to deliver humanitarian assistance in the absence of an international presence. Our international responsibility is to provide solidarity through our presence and to establish effective measures for our common security as humanitarian organizations. I therefore encourage the Security Council to continue to stress to all parties to armed conflicts their obligation to ensure the safety and security of humanitarian personnel and to ensure that those responsible for attacks are brought to justice without delay.

The third challenge I should like to highlight is the special protection needs of children affected by conflict. Children are in no way spared from the violence and suffering of war. Tragically, in today's conflicts we find children increasingly targeted and subjected to some of the most unconscionable atrocities the world has ever witnessed. Last month, when I visited northern Uganda, I was confronted by a war against children, fought primarily by children. More than 10,000 children have been abducted by the LRA over the past 12 months alone and have been forced, through brutal means, to become child soldiers, labourers and sex slaves. Fear of abduction by armed groups has created tens of thousands of "night commuters" throughout the north and east of Uganda — children who walk up to three hours to the major towns every evening before dark, simply to avoid abduction.

We are all aware that the recruitment and use of child soldiers is a problem mirrored in many other conflicts around the world today, notably in West Africa. It is incumbent upon all of us to do more to respond to the tragedy of children being recruited and used as child soldiers, suffering extremely violent sexual attacks or bearing the burden of responsibility for their younger brothers and sisters because they have lost their parents to the ravages of HIV/AIDS or the violence of war. That is but one example of the suffering of children in conflict zones. The rape of both boys and girls in Liberia and the Democratic Republic of the Congo is a further justification for making the protection of children a particular priority in our daily efforts.

The fourth of our challenges is demobilization, disarmament, reintegration and resettlement. One of the features of the conflict in the Mano River Basin and

Côte d'Ivoire has been the pervasive involvement of youth. The extensive engagement of largely young unemployed men in the militias fighting in Sierra Leone, Liberia and Côte d'Ivoire threatens to undermine the security of the region as a whole if that culture of youth violence is allowed to become entrenched. The spread of a violent youth culture can be stemmed only by comprehensive regional protection solutions — in particular, control of arms flows and sustained, well-designed and resourced DDRR programmes that address the particular needs of young people brutalized by war, with no means of survival but the gun.

DDRR must be addressed on a regional basis, and neighbouring States should recognize their responsibilities to assist. I welcome the current initiatives that are taking place in Côte d'Ivoire to establish a process of demobilization, and hope that these initiatives will complement the DDRR measures in Liberia. A stronger peacekeeping presence in Côte d'Ivoire is now needed to provide a more secure basis for taking this critical process forward.

Fifthly, with regard to the challenge of sexual violence in armed conflict, the fact that women and children continue to constitute the majority of civilian victims demands our urgent and vigorous attention. Rape and other forms of sexual violence continue to be used as brutally devastating weapons of war — in the Democratic Republic of the Congo, Burundi, northern Uganda and West Africa and in far too many other conflicts around the world. The attention of the Council to these issues is critical, and I ask it to maintain a strong focus on sexual violence in its future missions to areas of conflict. I wish to draw particular attention to the eastern part of the Democratic Republic of the Congo, where extreme crimes of sexual violence — described by some as sexual torture — have taken place on a chilling scale. The transitional process, the increased presence of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the strengthened security situation in areas of the eastern part of the Democratic Republic of the Congo have improved humanitarian conditions where MONUC is deployed, but more physical protection is needed. Given the cultural sensitivities, the most effective response is to work with and support local initiatives to assist the victims. We also need to address the special needs created by the increase in female-headed households.

However, we will be unable to stop the scourge of sexual violence in these countries without a functioning justice system. This brings me to my sixth challenge: justice and reconciliation. In too many conflicts around the world, sexual violence, torture, murder and other serious crimes under international law continue to be committed with total impunity. The need to end this culture of impunity is fundamental. I would, therefore, like to ask the Security Council to continue to denounce strongly such terrible acts and take concrete measures to address the issue of impunity. The swift re-establishment of the rule of law, justice and reconciliation is vital during the transition from conflict to peace, and the actions of the leaders of the parties are crucial. In the Democratic Republic of the Congo and elsewhere, it is critical that political and military leaders stand shoulder-to-shoulder with the victims and make clear that human rights violations will not be tolerated. Prompt, independent and effective investigations must be carried out. Perpetrators must be brought to justice. Potential perpetrators must be deterred.

To this end, I welcome the statement of the Prosecutor of the International Criminal Court that his Office is following the situation in Ituri, including the allegations of widespread sexual violence and other serious violations of international criminal law. I encourage the Prosecutor to pursue his efforts in this regard. I welcome the Transitional Government's announcement of its intent to cooperate with the Prosecutor, and would like to encourage the Government to pursue all other relevant means in order to bring those responsible to justice.

The seventh challenge is the special protection and assistance needs of the displaced. Given the millions of internally displaced men, women and children throughout the world, the special needs of these particularly forgotten people remain a natural focus of our work. In Liberia, the entire population has suffered displacement at one time or another. Yet, more than 500,000 remain displaced. The security and return of such people is a key component for the successful restoration of peace and stability. In Angola, there has been a rapid return of a large portion of the displaced population. Despite the encouraging signs of large-scale return, however, re-establishing their economic future will be critically affected by unexploded ordnance problems.

Likewise, the humanitarian situation in Colombia continues to be of great concern. There is a large number of internally displaced persons, with more being forced to leave their homes and land every day. The conflict is also creating increasing numbers of refugees.

We welcome the encouraging progress that has been made by the Government of Sudan and the Sudan People's Liberation Movement in preparing a national policy for internally displaced persons. The recent displacement of more than 600,000 people in the Darfur region, however, remains a serious concern.

The eighth and final challenge relates to charges of sexual exploitation of civilians in conflict by our own United Nations personnel. Since the most recent briefing on the protection of civilians, there has been progress on a protection issue on which the United Nations itself has been called to account, namely sexual exploitation and abuse. The Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse was promulgated last month. At the Secretary-General's behest, all parts of the United Nations system with a field presence are working very closely, together with our non-governmental organization partners and the Red Cross and Red Crescent Movement, to establish a coherent system for the implementation of the Bulletin at the field level. The Department of Peacekeeping Operations and the Department of Political Affairs are an integral part of this joint effort, and the Bulletin applies equally to United Nations staff serving in peace operations.

We all agree that acts of sexual exploitation and abuse perpetrated by United Nations-affiliated personnel do irreparable damage, both to the image of the United Nations and — more importantly — to our ability to serve and protect war-torn communities. We also agree that any such act by anyone affiliated with the United Nations — whether soldier, political officer, aid worker or police officer — affects all of us. While over the coming year we establish better systems of redress and managerial oversight, we must not lose sight of the need for vigilance and follow-through, in which, I hope, troop-contributing countries will also wish to play a part.

I would like now to turn to the practical work undertaken by my Office over the past six months to consolidate United Nations efforts to meet the

protection needs of civilians in armed conflict. In the past, the Council has asked us for greater integration of these issues among the various parts of the Organization. I am pleased to report that the creation of a cross-cutting protection and human rights unit within the United Nations Mission in Liberia, integrating the range of expertise required to adequately protect civilians, represents a significant development for future cooperation in this respect.

Our work has been based on three key areas. The first of these is the continuation of our regional workshop programme as a means of disseminating information to Governments and other concerned parties on the key principles, responsibilities and priorities for the protection of civilians. The second is the updating of the aide-memoire and its further application in the field; and the third is the development of the so-called road map on the protection of civilians, which establishes a shared commitment to action on the protection of civilians.

Turning first to the regional workshops, over the past 14 months, six regional workshops have brought together representatives of Governments, United Nations country teams and civil society organizations in West and Southern Africa, Europe and the Balkans, East Asia-Pacific, the South Pacific and, since the Office for the Coordination of Humanitarian Affairs last briefing to the Council, South Asia, to identify and address the major regional concerns on the protection of civilians.

In some regions these workshops have formed part of a sustainable process. Concerns for the protection of civilians are becoming adopted institutionally by regional organizations such as the Southern African Development Community and the Economic Community of West African States in Africa, the European Union and the Pacific Islands Forum.

In early 2004, we intend to convene a regional workshop in Latin America, and country-level workshops in Indonesia and the Solomon Islands, in cooperation with their respective Governments. I wish to take this opportunity to sincerely thank Member States for their support for these vital workshop initiatives.

I am presenting to members of the Council today, two documents for your consideration. The first is the updated version of the aide-memoire on the protection

of civilians in armed conflict. You will recall that the Security Council adopted the original aide-memoire in March 2002 as a means to facilitate its consideration of protection of civilians issues in its deliberations on mandates for peacekeeping operations. At that time, the Council undertook to regularly review and update the aide-memoire to reflect the latest protection of civilians concerns, trends and measures to address those concerns. Last December, the Council expressed its willingness to update the aide-memoire annually.

The first such update, which is before you today, reflects important new language that the Council has used since March 2002 and provides a clearer structure of the key protection issues. It is the product of wide consultation throughout the United Nations system, particularly through the Executive Committee on Humanitarian Assistance Implementation Group on the protection of civilians in armed conflict.

I hope that you will endorse the updated aide-memoire today as a tool that reflects evolving protection priorities, and will assist the Council in its efforts to ensure that the protection needs and rights of civilians are reflected in relevant Security Council resolutions and mandates. I cannot stress strongly enough that the language included in Security Council resolutions does make a difference to our work on the ground.

An important evolution that I would like to highlight is the aide-memoire's use in the field as a tool that provides a systematic basis for analysis and reporting during humanitarian crises. We have used it effectively as a protection matrix in Iraq and Burundi. We intend to take this approach forward in northern Uganda as a matter of priority, and to extend its practical application in other humanitarian crises.

I commend the updated aide-memoire to Council members, and look forward to its endorsement in a Presidential Statement at the end of this week.

The second tool for your consideration is the road map, which Council members called for as a tool to clarify responsibilities, enhance cooperation, facilitate implementation and further strengthen coordination within the United Nations system. The version before you today focuses primarily on the role of the United Nations system and reflects the outcome of extensive consultations within the United Nations system over the past 10 months. To truly reflect the needs of civilians in a constantly changing humanitarian

environment, this instrument must be seen as a living document. Like the aide-memoire, it will need to be updated and developed in line with the new and evolving protection challenges that confront us.

We, as a United Nations system now have the tools, the early warning capacity, the technical expertise and the logistical capacity to provide more timely and targeted humanitarian assistance and protection than ever before. What we sorely lack is the ability to have our humanitarian principles become a reality for political, military and economic leaders around the world. That is where we, the humanitarian and human rights workers, need your help. That is where the Council can make a real contribution towards achieving real forward movement on the protection of civilians in armed conflict.

Let me conclude by presenting 10 action points that build on the areas in the road map that enjoy consensus support of the Security Council. First, improve humanitarian access to civilians in need, better utilize negotiations on the ground and explore all possible avenues for political leverage by Member States. Secondly, improve the safety and security of humanitarian personnel, irrespective of circumstances and environments. Thirdly, ensure that the special protection and assistance requirements of children in armed conflict are fully addressed, to better reflect the more complex protection requirements of children and the problem of youth violence. Fourthly, ensure that the special protection and assistance requirements of women in armed conflict are fully addressed in light of the high levels of sexual violence and abuse. Fifthly, combat impunity for grave breaches of international humanitarian law, genocide, crimes against humanity and war crimes, thereby promoting compliance with international humanitarian, human rights and refugee law.

Sixth, assist in ensuring the provision of the necessary resources to address the needs of vulnerable populations in so-called forgotten emergencies. Seventh, examine how to better implement measures to respond to the security needs of refugees and internally displaced persons. Eighth, address short-comings in our approach to disarmament, demobilization reintegration and rehabilitation, particularly with regard to child combatants and the need to address regional concerns. Ninth, address the impact of small arms and light weapons on the protection of civilians, specifically with regard to confidence-building

measures and the need to address regional flows; and tenth, develop further measures to promote the responsibility of armed groups and non-State actors to protect civilians, to provide access, ensure the safety, security and freedom of movement of humanitarian workers and, more generally, to respect international humanitarian, human rights and refugee law.

In furthering those action points, we propose a process of consultation, led by the Security Council, to facilitate a structured dialogue which would identify protection gaps. My Office stands ready to provide all necessary support in that respect.

We must not let ourselves believe that the agenda for future action on the protection of civilians consists only of complex and difficult issues which require lengthy negotiation. Let me remind the Council that there have been achievements in the missions by the Security Council to areas of conflict and in Council resolutions and peacekeeping mandates which have more effectively considered the protection needs of civilians. I am grateful to you for this opportunity to outline the new challenges and some of the practical steps that we can take if we are to create a culture of protection that reflects the real needs of innocent civilians trapped by conflict.

The President (*spoke in French*): I now give the floor to Council members.

Ms. Menéndez (Spain) (*spoke in Spanish*): I would first like to thank Mr. Egeland for his very interesting and comprehensive briefing. My delegation would also like to express its thanks to the Office for the Coordination of Humanitarian Affairs for their work in developing a culture of protection, which we feel is at the heart of the issue, in particular because we are speaking about innocent victims — civilians. We would like to join Mr. Egeland in expressing our sadness and our condolences for the numerous recent victims among United Nations personnel and humanitarian workers.

Spain has often expressed its commitment to protect civilians in armed conflict, both through relevant legal reforms in Spanish law, as well as through our work and efforts to ensure such protection within the framework of international law. The Spanish Constitution explicitly states that the Universal Declaration of Human Rights and international treaties and agreements ratified by Spain will be the reference point for interpreting norms relative to fundamental

rights and freedoms. Under the umbrella of the Geneva and Hague Conventions, our internal legislation codifies crimes committed against persons and protected goods in cases of armed conflict in our penal code. Those provisions are in addition to specific regulations for military personnel, which are codified in the military penal code.

In addition to legislation, however, measures need to be taken that will ensure the development of the so-called culture of protection in cases of armed conflict, in particular for needy civilian populations. In that context, my delegation firmly supports the updated aide-memoire on the protection of civilians and calls for its endorsement by the Security Council. The incorporation of the experience of different departments within the United Nations system, as well as the interactive dialogue that facilitated the drafting of the aide-memoire, ensure that the measures included in the aide-memoire will be effective. In that connection, Spain wishes to express its thanks to Mr. Egeland and welcomes the 10-point platform that he presented, based on the areas of the road map.

Undoubtedly all efforts to safeguard the protection of civilians are important, but I wish to refer to some areas which Spain views as a priority in that regard. First is the question of improving humanitarian access to civilians in need. As we have always done in discussing situations related to armed conflicts in the Security Council, we have urged — and today we will do so once again — all parties involved in conflicts to ensure unhampered access of humanitarian organizations to civilians. Similarly, my delegation places particular importance on an idea that we have supported on a number of occasions — that United Nations peacekeeping operation mandates should include the facilitation by United Nations forces of access by humanitarian organizations to needy civilian populations.

Another priority matter is the question of children. As distinct from the consideration of the civilian population as a whole, assistance and protection provided to children deserves special attention. Spain supports the work of the Council in that regard, and appeals for cooperation to ensure the protection of girls and boys in compliance with its resolutions 1261 (1999), 1314 (2000), 1379 (2001) and 1460 (2003) on children in armed conflict. Furthermore, my delegation believes that we need to support and encourage all efforts to ensure the

demobilization and disarmament of girls and boys, reinforcing regional disarmament, demobilization, reintegration and repatriation programmes.

Another priority area is that of violence against women in armed conflict. Unfortunately, women and girls continue to be subject to abuse and violence. In addition to measures taken to avoid those heinous acts, Spain has firmly supported gender training programmes for humanitarian and peacekeeping personnel. The situation also calls for an increase in gender advisers in peacekeeping operations, as well as clear change in attitudes and behaviours that would underscore the active role that women can play in conflict resolution.

I cannot fail to mention the issue of impunity. All existing legal resources, including the International Criminal Court, need to be used to put an end to impunity.

Finally, I would, as a matter of course, like to affirm my delegation's association and agreement with the statement that Italy will subsequently make on behalf of the European Union.

Mr. Karev (Russian Federation) (*spoke in Russian*): First, I would like to thank you, Mr. President, for your words of condolence following the terrorist act that took place in Moscow today, and which caused human casualties.

We welcome this meeting of the Security Council at which we hope further measures will be considered to ensure observance of the norms of international humanitarian law during armed conflicts and that appropriate conclusions and proposals will duly be reflected in the presidential statement and in the updated aide-memoire. We thank Mr. Egeland for his interesting and detailed report on the question. We note with regret that, despite a whole arsenal of international instruments on human rights and international humanitarian law intended to protect civilians caught up in armed conflicts, during hostilities it is primarily completely innocent children, women, elderly people and other vulnerable categories of the population that suffer, as well as the humanitarian personnel providing assistance to them.

The humanitarian component is now highly crucial, particularly as an element of a comprehensive strategy for crisis prevention and during the stage of post-conflict settlement. However, the efficacy of

humanitarian work depends to a large extent on how it is incorporated into the efforts of the international community to find a political settlement to conflicts. We are pleased at progress made to enhance the effectiveness of measures in that area in the light of changing trends and approaches to the protection of civilians in armed conflict. The evolution of international humanitarian law shows that it is continuing to adapt to contemporary conditions. Among the latest examples was the creation of the International Criminal Court, the activities of which should complement legislative work done at the national level. The problem of protecting civilians must be considered within the context of new threats and challenges, primarily terrorism, such as the terrorist act that took place, unfortunately, in Moscow today. This question is under the constant scrutiny of the Security Council and its Counter-Terrorism Committee.

Other bodies of the United Nations are involved as well. In the Third Committee at the fifty-eighth session of the General Assembly, the Russian initiative on the elaboration of a code for protecting human rights from terrorism was further developed. Virtually all of the main elements of the code were included in the resolution entitled "Human rights and terrorism".

An important role in protecting civilians has been assigned to the mechanisms for early warning and conflict prevention. States Members of the Organization should be quicker to inform the Council about situations that could pose a threat to the maintenance of international peace and security, including cases of deliberate refusal to grant safe, unimpeded access by humanitarian personnel to civilians or of blocking humanitarian assistance intended for civilians, as well as about gross violations of the rights of civilians, and here the Security Council should play a lead role.

In order to enhance the effectiveness of work in this area, the Council should take full account of the particular nature of specific conflict situations and, on that basis, take measures to protect civilians. The United Nations already has some experience in this area: in Angola, Afghanistan, Indonesia and the Balkans — and we hope that today's exchange of views on how to enhance the Council's work and that of other United Nations bodies in protecting civilians will give additional impetus to progress in this area.

Sir Emyr Jones Parry (United Kingdom): I would like to associate the United Kingdom with the statement on behalf of the European Union to be delivered later by the Ambassador of Italy.

May I congratulate Jan Egeland on his appointment and thank him for an excellent briefing. His words were a sobering account, which underline the imperative for the international community to work collectively and decisively in moving from rhetoric to effective action in promoting the culture of protection.

There have been some recent positive developments: the updated aide-memoire, a road map, Security Council missions that allow the Council to emphasize the need to protect civilians actually in the field, a continued focus by the Council on protection issues — and there the United Kingdom believes that the Security Council has an essential role in complementing the work done by other organs of the United Nations — and lastly, the adoption by the Council of resolution 1502 (2003) on the protection of humanitarian personnel in armed conflict.

But the recent and horrific attacks on the United Nations and the International Committee of the Red Cross headquarters in Baghdad demonstrate an increasingly fragile environment to which humanitarian personnel are more and more exposed. We all deplore such attacks and acts of violence. We pay tribute to those humanitarian workers who have lost their lives while providing assistance to those in need, and we remember those who today remain in captivity against their will. And in that regard, we urge all captors to release humanitarian personnel as a matter of urgency.

The United Kingdom remains deeply concerned about the lack or denial of access in many humanitarian situations throughout the world. People without food, water, shelter or medical supplies cannot wait for a conflict to end in order to receive life-saving assistance. We therefore take this opportunity to urge all parties to armed conflict to comply with their obligations to allow safe and unimpeded access by humanitarian personnel to civilians in need of assistance and to do that in accordance with international humanitarian law. The other side of that coin is that, collectively, the international community must better address humanitarian crises where that access is being denied.

We must all be deeply concerned about the protection of women and children in situations of

armed conflict. Women, for example, are often subjected to sexual violence, trafficking and mutilation. These traumatic experiences are often compounded further, even well after the end of conflict, in circumstances where female victims of violence face social exclusion and stigmatization.

The protection of children in armed conflict also remains a key concern, especially when they are recruited by force as soldiers, as we have heard in the briefing. Situations where children are educated to regard a gun as a protection tool, as a means of obtaining food and security, are deeply disturbing. Children are also tragically exposed to malnutrition, disease and violence, as well as sexual, physical and psychological abuse. So we urge all Member States to sign and ratify and implement the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Justice and reconciliation efforts also form an integral part of the protection agenda and play a key role in addressing violations of international humanitarian law and in ending impunity. Central to these efforts, of course, are national judicial systems. That is why the Council's discussion in September of transition justice and the rule of law was so relevant and follow-up so important. In fact as we speak, the United Kingdom, together with the Governments of Finland and Jordan, is hosting in New York a seminar on developing holistic and integrated responses to widespread human rights abuse.

Like Mr. Egeland, I would like to focus on next steps. Our starting point should be his excellent proposal for a ten-point platform for future action, and we look forward to working with Council members, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations agencies, the other organs of the United Nations, and others in taking this forward.

The United Kingdom would identify three interconnected themes that collectively the United Nations system should address as it carries those action points forward. First, establishing robust frameworks of application, including indicators for progress and defining action to be taken in the event that these are not met — that is what we mean by compliance.

Secondly, building solid field-based information allied to rigorous analysis for robust frameworks of

application — that is what we mean by effective monitoring and evaluation.

And thirdly, delivering outcomes from these first two elements through an effective United Nations system-wide institutional response — the right people in the right place with the right skills at the right time — that is what we mean by mainstreaming, because institutional mainstreaming should cover who does what, where and when. I am being very clear about co-responsibilities. Changing the way we do things can sometimes pose tough questions, but we cannot afford to duck them. And that is why we strongly support and welcome the Secretary-General's forthcoming assessment of the entire United Nations system's response to the problem of children and armed conflict, and we hope that the Secretary-General will be able to update the Council next month when we consider children affected by armed conflict, but in particular, we hope he will provide detailed proposals of how we go forward.

We should be open ourselves to more reviews of this type. But it is not just the United Nations system that actually needs to respond. This actually requires the wholehearted support of Member States and the international community as a whole, and in that regard, the United Kingdom would single out parallel contributions that individual Member States should make.

First, we must make every effort to implement the resolutions contained in the aide-memoire, and the Secretary-General's 54 recommendations on protection set out in the road map. In this regard, we would request the Secretary-General to provide us with an update on the implementation of these commitments when he next reports to the Council on this issue in June 2004.

Secondly, we need to receive reports on how the aide-memoire is performing as an operational tool in the field, for example, what is working well and what needs to be improved. This will help encourage an integrated approach to promote connectivity between New York and the field and identify potential gaps, strengths and weaknesses. We should then consider how we need to strengthen the existing framework.

Thirdly, we must work better at mainstreaming protection issues into the Council's country-specific considerations. That was reflected in what has been done on Liberia, but we need to ensure that, in general,

these elements are reflected in the Secretary-General's reports and included in peacekeeping mandates and operations when necessary. In order to achieve that, we need to improve inter-office work within our own delegations and among our ministries back in our capitals. But we also need to ensure that protection measures transcend the work of this Council alone. They need to feature in our own national policies and make a real difference at the country level.

Fourthly, we should encourage all Member States to sign and ratify the legal instruments that exist in the broad protection agenda. The United Nations has an important advocacy role in that regard.

Finally, we should not forget the merit of having guiding principles of corporate social responsibility, in order to ensure that the private sector and its practices contribute towards the prevention and resolution of violent conflict.

In conclusion, I would like to stress the importance of coordination across the protection agenda. This remains a key challenge for the Office for the Coordination of Humanitarian Affairs and one for which it will require sustained support. Its work to protect the vulnerable lies at the very heart of the United Nations Charter and promotes a culture of protection, an ideal that we all endorsed in the Millennium Declaration of September 2000.

Mr. Muñoz (Chile) (*spoke in Spanish*): Mr. President, since this is the first time I am making a statement here in an open meeting of the Security Council in the month of December, I wish to extend my congratulations for your assumption of the presidency and I wish you every success in this task. I would like to thank Under-Secretary-General Jan Egeland as well for briefing us on the updated aide-memoire and the road map regarding the protection of civilians in armed conflicts prepared by the Office for the Coordination of Humanitarian Affairs (OCHA) of the United Nations.

The various and serious violations that take place in armed conflicts affect the security of millions of civilians in different regions of the world. In particular, they affect the most vulnerable, such as women, children and the elderly. I cannot fail to mention here the terrible deaths of nine children in a bombing in Afghanistan in recent days. This is deplorable act, which must be duly investigated.

Apart from combatants, civilians are the main victims in armed conflicts, not only due to accidents, but even worse, as a result of a policy of war. This means that at the heart of the Security Council's work should be the implementation of its mandate to ensure international peace and security by dealing with this problem. Similarly, protecting non-combatant civilians, whether humanitarian or international personnel, is unfortunately a growing concern in the international arena. The periodic updating and review of this matter and the presentation of the updated aide-memoire and road map have enabled us to see the growing importance of this question.

The culture of protection is as it was stated by the Secretary-General when he introduced his report on the protection of civilians in armed conflicts in 2001, in which he asked States to make the culture of protection a reality. The development of a plan of action in this sphere, we feel, is the cornerstone for implementing an international policy of this culture of protection. Applying a programme of dissemination is a concrete step forward towards awareness-raising regarding this issue for the various actors involved, whether civilians or government authorities.

The updated aide-memoire and the road map, which have been presented to us today, must be part of this common basis for establishing the level of responsibility towards civilian populations, both for the Security Council and for the Member States of the United Nations. In this regard, both documents should serve as a guide for the adoption of future draft resolutions related to this matter.

The situation of displaced civilians deserves special attention. Unfortunately, and far too frequently, there is forced conscription of children to be used as soldiers, in particular in some regions of Africa, but also in some regions of the continent where I come from. In far too many cases, the international community has witnessed atrocities carried out against the civilian population, as Mr. Egeland has emphasized, using rape and mutilation as weapons of war.

Close cooperation with the various available international and national actors, including the High Commissioner for Human Rights, is necessary so that an early warning network can be established, which will allow for prevention of conflicts. Preventive measures, along with political will, will help us to

avoid a repetition of the unfortunate events that we witnessed, for example, in Rwanda and Burundi just a few years ago.

The United Nations lost its innocence this year. Until recently, we had been used to the various warring factions throughout the world respecting international humanitarian staff from the various United Nations agencies. It was clear that United Nations staff were not a military target. In the past, even when accidents did happen and United Nations staff lost their lives, the Organization as a whole was never considered a military target by one of the parties to a conflict, as it is now in Iraq. Therefore, we need to take concrete actions. For example, my country feels that sanctions should be reserved for very specific areas, focused directly on those responsible and avoid negatively affecting the civilian population. Similarly, we believe that the social dimension of crises should be taken into consideration because the Security Council has a role to play with regard to the social threats affecting peace and security.

In conclusion, we urge Member States to apply in their legislation those two important documents: the updated aide-memoire and the road map. We would also suggest that the Security Council, as it did with the earlier aide-memoire, endorse the document in a presidential statement. We would thereby most likely take a step towards protecting civilians in armed conflict.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): Allow me at the outset to convey to you, Sir, the gratitude of the delegation of the Syrian Arab Republic for convening this important meeting on the protection of civilians in armed conflict.

My delegation also thanks Mr. Egeland, Under-Secretary-General for Humanitarian Affairs, for his comprehensive and important briefing this morning. I believe that the most noteworthy elements of his briefing are the specific ideas that he offered, which we feel are worthy of Security Council endorsement as official Council documents.

We also associate ourselves with you, Sir, in your strong condemnation of the terrorist act that took place in Moscow today. We extend our sincere condolences to the Government and people of friendly Russia and to the delegation of the Russian Federation to the United Nations.

The Security Council's decision to maintain today's item at the top of its agenda is proof of the great importance it attaches to the issue at hand, especially since civilians are the principal victims of contemporary conflicts. In that regard, I must refer to the important resolution 1502 (2003), introduced by Mexico and adopted by the Council under Syria's presidency last August, on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones.

Sadly, women and children constitute a large percentage of those affected by such conflicts. More than 2.5 million people have died over the past decade, while more than 30 million have been displaced or uprooted from their homelands by armed conflicts. In his most recent report on this subject, the Secretary-General noted that the number of dead and wounded among innocent civilians has risen to a level that can without exaggeration be described as terrifying.

International humanitarian law requires warring parties to distinguish between combatants and civilians. Unfortunately, despite the fact that the Geneva Convention relative to the Protection of Civilian Persons in Time of War was adopted more than 50 years ago and that most States have acceded to it, there remains a wide gap between its provisions and the implementation thereof in armed conflicts. Some States invoke certain situations as a pretext to pursue practices that contravene international humanitarian law. The Syrian delegation affirms in this regard that there is no acceptable pretext for killing or displacing innocent civilians. It is necessary to treat the root causes of armed conflicts and to prevent violent retaliation.

The question of access to vulnerable groups in many conflict zones poses a major challenge and is among the most pressing issues relevant to the protection of civilians. It involves a complex and multifaceted process requiring appropriate security arrangements, such as guarantees for the unimpeded delivery of humanitarian assistance to groups entitled to it, which necessarily entails guarantees for the safety and security of humanitarian and associated personnel. The Council must continue to impress on all parties to armed conflicts — governmental and non-governmental actors alike — the necessity of shielding such personnel from harassment.

Special attention must be given to the suffering of women and children in armed conflict. The Security Council must accord the highest priority to their situation and explicitly take that issue — including their subjection to sexual violence and exploitation — into account when drafting the mandates of peacekeeping operations.

My delegation attaches great importance to depriving the perpetrators of gross violations of international humanitarian law of their impunity. That can be accomplished by adopting and using effective arrangements to investigate such violations at the local and international levels and by arresting and bringing the perpetrators to justice, as well as through cooperation among States to that effect.

The disarmament, reintegration and rehabilitation of ex-combatants are important factors in countering the culture of violence. My delegation affirms the need to address that issue not only at the local level, but also at the regional level. States bordering on conflict zones must recognize their responsibility to provide assistance in that regard.

The Middle East offers the clearest example of the suffering of civilians, in this instance as a result of Israel's ongoing occupation of Arab territories. In the past three years alone, Israeli occupation forces have killed some 3,000 Palestinians, mostly women, children and the elderly. Israel's policy has also extended to the murder of United Nations staff members, including six from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Israel has imposed restrictions on the freedom of movement of UNRWA and other humanitarian personnel, thereby increasing the suffering of the Palestinians, in total disregard of all international norms, conventions and appeals to halt such practices.

Moreover, the occupying Power has widened its oppressive measures against Palestinian civilians through its ongoing construction of the racist, expansionist wall. It has flouted United Nations resolutions calling on it to halt the construction of the wall, which will affect the lives of more than 200,000 Palestinian civilians in 65 villages and towns on both sides, whose access to their land and water will be fully or partially blocked. The wall will also impede their access to humanitarian assistance. These facts have been noted in the Secretary-General's reports,

especially that on the expansionist wall. We thank Mr. Egeland for touching on this critical issue in his statement.

We must not forget the suffering of the African continent, which has experienced and continues to experience armed conflicts that have had devastating effects, for the most part on innocent civilians. Examples of such effects can be seen in the suffering of civilians in recent years in the Democratic Republic of the Congo, Rwanda, Burundi and other countries. We are pleased to welcome the progress achieved in those countries, as well as in Liberia and Côte d'Ivoire, following the deployment of United Nations forces, and the success in Sierra Leone.

In that regard, we would like to recall that the United Nations has made great headway in recent years in addressing this issue. However, there is still a long way to go to achieving the desired goal. Doing so requires political will and determination. That means that, if the Organization is to effectively and soundly tackle this problem, the protection of civilians in armed conflict must remain an important item on the agenda of the United Nations in the future.

My delegation would like to express its gratitude for the efforts made by the United Nations Office for the Coordination of Humanitarian Affairs. We welcome the road map that has been prepared in relation to this issue. We believe that, along with the aide memoire to be adopted by the Council in the next few days through a presidential statement, the road map will constitute an important and effective instrument to facilitate the Council's consideration of issues relating to the protection of civilians. My delegation also supports the 10-point plan based on the road map that was referred to by Mr. Egeland in his statement. We hope that the Council will adopt it as soon as possible, as it includes elements that have the unanimous support of the members of the Council.

Mr. Sow (Guinea) (*spoke in French*): As this is the first time that I take the floor since you assumed the presidency of the Security Council, allow me, Mr. President, to convey my heartfelt congratulations to you. I know that our Chargé d'affaires has already done so, but I too would like to express to you my delegation's full cooperation. I wish you every success as you lead us in our work.

My delegation would also like to thank you, Mr. President, for organizing this meeting to undertake

a periodic review of the issue of the protection of civilians in armed conflict. My delegation welcomes the presence of Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, who is with us for the first time. We welcome his participation in this meeting and assure him of our support. We also congratulate him on his important briefing.

The holding of this meeting attests to the Council's determination to continue, and to expand, its consideration of the item on the agenda. That item is of concern to both the international community and the United Nations. The road map, the aide-memoire and the regional programmes that have been the product of lengthy work by the Council serve as guidelines and as a checklist for the Council in better understanding the stakes and multiple challenges associated with the protection of civilians in armed conflict and ensuring that they are taken into account at the time peacekeeping operations are established.

Given that the protection of civilians takes place in a complex and changing environment, my delegation believes that those instruments must be constantly reviewed and updated in the light of circumstances and the situation on the ground. In that connection, we appreciate the good work done by the Secretary-General that has led to the submission of the revised aide-memoire. In particular, we welcome the inclusion of new elements relating, among other things, to the issues of women, child soldiers, refugees, persons displaced within their own countries, persons in transit and host communities. Those issues should be considered in the establishment of any peace operation. In that regard, questions arising from the illegal exploitation of natural resources and from sexual exploitation in armed conflict must increasingly be the focus of our attention.

With regard to the link between terrorism and armed conflict, my country has always said that this is an urgent matter of concern that deserves in-depth consideration. In cooperation with the appropriate bodies, the Secretariat could enlighten us further on this subject.

My delegation welcomes the efforts of the United Nations that have led to the establishment of a reference base on protection norms. We now have the responsibility to implement them effectively. The international community — and in particular the

United Nations, Member States and parties to conflicts, as well as regional and subregional organizations, non-governmental organizations and civil society — have a leading role to play in that regard. We are pleased to note that, acting with a number of partners and drawing on past experience, the United Nations is putting in place several preventive and corrective measures to improve the situation of civilians in armed conflict. Strong mobilization for access by humanitarian assistance to recipients and for the protection of United Nations personnel, associated personnel and international humanitarian personnel, as well as the need for impartiality by those staff and their respect for national laws, should also be emphasized. States, which are the primary guarantors of protection, as well as armed groups, must, in accordance with international humanitarian law and human rights, shoulder their responsibilities to provide unconditional access to humanitarian assistance. The resolutions of the General Assembly and the Security Council regarding the protection of United Nations and associated personnel, including international humanitarian personnel, should continue to underpin the actions undertaken by the various stakeholders concerned.

My country attaches great priority to this debate, not only because we are members of the Security Council but also because we belong to a subregion that continues to be beset by conflicts and crises whose tragic consequences on civilians require no comment. We are therefore duty-bound to recommit ourselves to contributing to peace efforts in the subregion and throughout the world in order to find the appropriate solution to help protect civilians in armed conflict. That is a subject that covers a wide range of issues, including those of women, peace and security, children in armed conflict, mines and HIV/AIDS. In seeking to attain that goal, my delegation believes we should explore the possibility of carrying out an in-depth, comprehensive study of those subjects in order to identify commonalities and to endeavour, as far as possible, to find common solutions, while bearing in mind the characteristics of each of those areas. Such an approach would assist us in rationalizing our work and better coordinating our efforts.

Moreover, my delegation believes that the field missions of the Security Council have helped to raise institutional awareness. Such missions should be systematically used to raise awareness about the issue

of protection. In addition, the Secretariat should periodically submit reports on that matter. That would help us to evaluate the implementation of the road map and the aide-memoire in order that they can be revised as necessary. My delegation would also like to suggest that the Secretariat organize seminars for interested stakeholders to receive a thorough briefing about the road map and the aide-memoire. That would make possible a better understanding of those instruments and help to facilitate their implementation.

In that regard, my country welcomes the important plans developed, and the programmes of action undertaken, by the Department for Humanitarian Affairs in regions and countries affected by conflict, including Liberia, Palestine, Sierra Leone and the Democratic Republic of the Congo. The establishment in Liberia — for the first time — of a cross-cutting human rights protection unit is a commendable initiative that deserves to be extended to other areas concerned. That is the best way to promote at the international and regional levels a culture of protecting human rights and international humanitarian law. Those steps should also be supplemented by the implementation of the eight points for humanitarian action highlighted in Mr. Egeland's briefing.

Finally, while we support the proposals and recommendations contained in the reports of the Secretary-General, we reiterate our conviction that the international community, without minimizing the question of the protection of civilians in armed conflict, should concentrate more on preventing conflicts and on peace-building in order better to serve the noble and inspiring cause of international peace and security.

Mr. Cunningham (United States of America): I want to join others in thanking Under-Secretary-General Egeland for his excellent statement, and I would like to thank you, Sir, for hosting and coordinating today's meeting on the very important subject we are discussing. Under-Secretary-General Egeland's presentation is both daunting in the array of challenges it raises and cause for some hope that all of us can do a better job in dealing with them.

My Government has long believed that safeguarding civilians from the devastating effects of armed conflict is at the very heart of the United Nations Charter. Our fondest wish would be that this Council could protect from harm all those who are

subject to aggression. And while, of course, it cannot, there is much that we can do to work towards that goal.

The Secretary-General and the Office for the Coordination of Humanitarian Affairs have given us some good suggestions for the way ahead. Mr. Egeland's statement today, the updated aide-memoire and road map are very useful in addressing the challenges and in organizing our efforts to respond to them. The general principles of providing humanitarian access to vulnerable populations where feasible, the separation of civilians and armed elements and the restoration of the rule of law, justice and reconciliation are all fundamental to the protection of civilians. We will pursue their implementation and practice. We also support the participation of children in the design of disarmament, demobilization and reintegration programmes and special efforts to deal with the particular threats to children and women. These are important issues that we will discuss and address in the future, including with regard to the situations in Afghanistan, the Democratic Republic of the Congo, Liberia, the Sudan and others.

We welcome the road map and the implementation of many of the objectives it calls for, and we hope that Member nations will be involved in this process. We also welcome the revised aide-memoire and view it as a vital resource for the Security Council in applying best practices in future resolutions. Consistent and systematic application by the Council of the valuable tools it has at its disposal, such as previous resolutions on protection of humanitarian workers, on women, peace and security and on children in armed conflict, is a goal we strongly support. We will work to promote its realization.

We commend the Under-Secretary-General and his colleagues in the Office for the Coordination of Humanitarian Affairs (OCHA) for their contribution to developing practical ideas on future steps, and we reiterate our support for the Secretary-General's efforts to protect civilians. We encourage the Secretary-General and other key actors in the United Nations system to continue the dialogue with us on how United Nations organs can better work together to promote protection and to present country-specific recommendations for the Council's consideration.

We look forward to the promised comprehensive plan of action to be presented to the Security Council at

the time of the Secretary-General's next report on protection of civilians and to our further discussions.

Mr. Cheng Jingye (China) (*spoke in Chinese*): First, I thank Under-Secretary-General Mr. Jan Egeland for his detailed briefing and welcome the revised aide-memoire that he has submitted.

A notable characteristic of conflicts in all regions of the world is that innocent civilians, especially women and children and other vulnerable groups, are the most serious victims. In the past decade, several million civilians have died in armed conflicts, and millions more have been driven by war to flee their homes to become refugees or internally displaced persons.

In recent years, the United Nations, including the Security Council, has been carrying out the work of protecting civilians as an important task and has made much progress in this area. We note with satisfaction that the relevant resolutions and presidential statements of the Council have set out the fundamental principles for the protection of civilians. The Office for the Coordination of Humanitarian Affairs (OCHA) has developed a relevant aide-memoire and road map, which have provided the Council with an important document of reference in this area. Various agencies of the United Nations have provided timely humanitarian assistance to conflict regions to alleviate the humanitarian situation in the field, thus playing a much needed role. As well, United Nations peacekeeping missions have paid great attention to the protection of civilians. We highly commend the various agencies of the United Nations, including the Department of Peacekeeping Operations, OCHA and other humanitarian agencies of the United Nations for the great amount of work that they have done.

At present, many serious challenges remain in the field of the protection of civilians. In some conflict regions, the humanitarian situation continues to deteriorate. Civilians continue to be deliberately attacked and wounded. Refugees and internally displaced persons are suffering a tragic plight. Of great concern to us is the great increase in violent terrorist activities against humanitarian relief personnel and agencies, which have greatly hindered those agencies in their work to protect civilians. Therefore, much remains to be done by the international community.

I wish to stress the following. First, the primary responsibility for protecting civilians lies with the

Governments of the countries concerned and with the parties to a conflict. The Governments of the countries concerned and the parties to a conflict should strictly comply with international humanitarian laws and effectively implement their obligations to protect civilians and relevant humanitarian relief personnel. All actions violating international humanitarian law should be punished.

Secondly, preventing and ending conflict is the most effective way to protect civilians. As the organ bearing the primary responsibility for maintaining international peace and security, the Security Council should continue to take effective measures to strengthen preventive diplomacy and to actively promote the settlement of current conflicts. That is the best way to help protect civilians from the devastation of war.

Thirdly, protecting civilians is a multidisciplinary task requiring a comprehensive strategy. Various agencies of the United Nations, in implementing their mandate, should strengthen their coordination and cooperation in order most effectively to fulfil the role of the United Nations as a whole.

Mr. Lucas (Angola): We welcome the important debate that the Security Council is holding today. We thank Under-Secretary-General Jan Egeland for his comprehensive briefing on an issue of the utmost importance in contemporary life, characterized by the increasing number of asymmetrical wars, in which civilians are the main targets of the warring factions and are subject to the coarsest violations of their basic human rights. The meetings of the Security Council on this issue translate the deep concern of the international community at such a state of affairs. They provide an opportunity to address the issue and to strengthen our resolve to protect the countless human beings caught in the middle of conflicts, whose lives have too often been disrupted, with irreparable consequences.

In my delegation's view, the first efforts to be undertaken by the international community — particularly the Security Council, with its responsibility for maintaining international peace and security — should address conflict prevention as the best means to prevent war and the human suffering it always entails. We see preventive diplomacy as the most feasible way to resolve disputes before conflicts break out. However, conflict prevention entails the necessary preparedness, political will and operational readiness

on the part of the international community. A number of conflicts in the past could have been prevented — or at least some action could have been taken with a view to their prevention — but quite often the international community's inaction has allowed things to grow to uncontrollable proportions.

In that regard, we share the view expressed in the aide-memoire on the protection of civilians in armed conflict regarding the need to strengthen the capacity of the United Nations to plan and deploy rapidly, as well as the concept of regional approaches to regional and subregional crises in the formulation of peacekeeping mandates.

Regional organizations are particularly well suited to work with the Security Council. They can provide accurate assessments of crisis situations, and they can engage in preventive diplomacy and take political decisions whenever a situation entails a risk of crisis for the region concerned. It is our view that regional organizations can play a fundamental role in maintaining peace and stability and that their capacities should be enhanced to carry out operations according to international norms and standards. Furthermore, regional organizations can play a key role in comprehensive regional programmes for the disarmament, demobilization and reintegration of former combatants, as well as in the fight against the traffic in small arms and light weapons.

The road map and the aide-memoire on the protection of civilians in armed conflict, which we are considering today, are important tools to address such a momentous issue. We note with appreciation the strategies outlined, the broad goals for the protection of civilians in armed conflict and the areas to which the international community must pay special attention in setting out specific objectives to be achieved by the United Nations, States and the rest of the international community. My delegation believes that those elements are important instruments for approaching such important issues at their various levels of complexity.

By calling for a strengthening of the legal framework relating to international humanitarian law, human rights law and refugee law; by calling upon States and non-State actors to comply with their provisions; and by calling upon the United Nations system to take appropriate and comprehensive action regarding the attainment of those objectives, the road map makes a concrete contribution to universal respect

for humanitarian law. The establishment of provisions relating to access to vulnerable populations and for engaging the parties to conflicts in dialogue aimed at sustaining safe access for humanitarian operations — besides providing urgent assistance to populations in need — can indeed improve the prospects of peace and reconciliation by de-escalating conflict and lowering its intensity. Angola was such a case when, in 1991, the ability of the United Nations to open humanitarian corridors made a decisive contribution to the establishment of a dialogue in situ between the military commanders, which was instrumental for the attainment of a ceasefire.

The safety and security of humanitarian-associated personnel; how to deal with the effects of conflict on women and children; the provision of security, law and order in post-conflict situations; the disarmament, demobilization, reintegration and rehabilitation of former combatants, especially children; mine action as a means to reinforce confidence and to allow civilians to rebuild their shattered lives; justice and reconciliation, seen in the perspective of criminal and restorative justice and healing the wounds of the past; the training of security and peacekeeping forces in the highest standards of respect for human rights; and the issue of natural resources, armed conflict and measures to break the fatal link between them are critical issues enunciated in the aide-memoire and the road map. They constitute a fundamental checklist that States, the United Nations system and the rest of the international community should apply in dealing with the sensitive issue of the protection of civilians in armed conflict.

In conclusion, my delegation supports the 10-point action plan presented by Mr. Egeland. We also support the endorsement of the revised aide-memoire by the presidential statement on the issue we are considering today. We deem it very important that the Council apply both of those elements in adopting country-specific draft resolutions — taking into account the protection of civilians, including women, children and humanitarian workers — and that United Nations peacekeeping operations be provided with mandates and resources to protect civilians and to ensure unimpeded access to civilians in need by United Nations personnel and humanitarian organizations. We also support the inclusion in all country-related draft resolutions of a call upon States — and, where appropriate, non-State actors — to adhere to

international human rights, humanitarian and refugee law and to reinforce the principle that there will be no impunity for genocide, war crimes or crimes against humanity.

It is our expectation that this meeting will make a further contribution to the creation of a culture of protection for civilians in armed conflict and that it will increase the effectiveness of the United Nations and the responsibilities of the international community in facing such a serious issue.

Mr. Pujalte (Mexico) (*spoke in Spanish*): At the outset, Sir, I wish to express my delegation's pleasure at seeing you preside over this meeting. We thank you for including the item of the protection of civilians in armed conflict on the Council's agenda. Before I begin to read my country's position on that subject, I should like to express, on behalf of the people and Government of Mexico, our condolences and solidarity to the families of the victims and to the people and Government of the Russian Federation because of the attack suffered in Moscow today.

With regard to the item under consideration, my delegation wishes to thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for the information he has just provided us and for the updated version of the aide-memoire. Mexico participated actively in the negotiations on the aide-memoire's original version, as well as on its updating, because we are convinced that the Council must have instruments that will help it to include the protection of civilians in armed conflict as a priority issue in its deliberations. Some positive progress has been made in that regard; however, the Council must intensify this exercise in all its deliberations.

It is also necessary that the Council send a clear and firm message that the Geneva Conventions — particularly the Fourth Geneva Convention, which establishes that civilians are not a legitimate target, that deliberate attacks against them cannot be tolerated, that the parties to a conflict must take all possible measures to limit suffering and damage caused to civilians, and that States must bring to justice those responsible for grave violations of international law, particularly international humanitarian law — must be complied with under all circumstances. Moreover, it is necessary that we guarantee safe and unimpeded access of humanitarian personnel to persons needing assistance,

particularly those who are most vulnerable. In the debate on this item held in the Council a year ago, we expressed our concern about the aggression against humanitarian organizations, including non-governmental organizations. The increase in deliberate attacks and the direct assault on the inherent neutrality and impartiality of humanitarians are particularly worrying.

Ultimately, attacks against humanitarian personnel are attacks against civilians and therefore constitute war crimes, since they aim to deprive the most vulnerable people of the assistance that is so necessary to their survival, as well as to increase their suffering.

That is why Mexico submitted resolution 1502 (2003) on the protection of humanitarian personnel, which was unanimously adopted in August.

The Council now has a responsibility to ensure that adequate measures are taken to guarantee the safety and protection of humanitarian personnel, thereby ensuring the protection of civilians and alleviating their suffering.

Mexico reiterates its resolute condemnation of all terrorist acts, methods and practices. Such acts, in all their forms and manifestations, are criminal and cannot be justified, whatever the motive and by whomsoever they are committed, whether in times of peace or during armed conflict. We want to be very clear about that.

We believe that States must respond to terrorist acts on the basis of the values that sustain the democratic systems of our Governments and of this Organization: the protection of and respect for the human rights and fundamental freedoms of all people. Among other measures, Mexico again introduced — during the current session of the General Assembly — a draft resolution on protecting human rights and fundamental freedoms while countering terrorism. The draft resolution welcomes the dialogue between the Security Council, its Counter-Terrorism Committee and the bodies entrusted with promoting and protecting human rights, and encourages the Council and the Committee to strengthen cooperation with the bodies of the competent human rights organizations, in particular the Office of the United Nations High Commissioner for Human Rights, so as to guarantee the integration of the promotion and protection of human rights in the

work carried out in accordance with the relevant resolutions.

The protection of civilians in armed conflict requires the adoption of particular measures for the benefit of women, children and the elderly — groups that are particularly affected by conflict. Unfortunately, despite the efforts that have been made to date, exploitation and sexual aggression continue to be widely used as a tool of war. Further measures must therefore be adopted to punish those responsible for such acts. Resolution 1460 (2003) on children and armed conflict — the negotiations on which my delegation participated actively — represented an important step forward. We invite the members of the Council to reflect, during the negotiations to be held in January, on the importance that the international community accords to the adoption of measures to prevent the use of children in armed conflict.

Adequate attention must also be accorded to threats facing women in armed conflict. This body must promote a gender perspective in the peacekeeping operations that it authorizes.

In all of these areas — the use of children in armed conflict, sexual abuse and attacks against humanitarian personnel — the International Criminal Court has a fundamental role to play. The Rome Statute is a reminder for the international community that those who commit such acts will not go unpunished. States must unambiguously reaffirm their commitment to combat impunity and bring to justice those responsible for acts of genocide, war crimes and other crimes against humanity and serious violations of international humanitarian law. We must reaffirm the rule of law and promote, among the parties to conflict, respect for international humanitarian law, human rights and refugee law.

We are convinced that the most effective means of protecting civilians in armed conflict is to regulate the traffic in small arms, light weapons, explosives and munitions, as well as the use of intermediaries, with a view to putting an end to illegal flows of such weapons. It has become clear in a number of cases that the weapons used to attack civilians in armed conflict are re-used in other conflicts.

Punitive measures will not suffice, however, if we wish to put an end to conflict. We must promote an environment in which combatants and those who benefit from the commercial exploitation of conflicts

find incentives to demobilize and put an end to their illicit activities. A regional approach must therefore be adopted to any measures proposed for disarmament, demobilization, reintegration and resettlement. When basic economic needs are not met, political progress is insufficient to halt the resurgence of violence.

Mexico is convinced that the protection of civilians in armed conflict will require ongoing training for security forces in the field of international humanitarian, human rights and refugee law, including in times of peace. That is why my delegation, working together with the Office for the Coordination of Humanitarian Affairs, is organizing a regional seminar on basic protection for civilians in Latin America and the Caribbean, to take place in February. Thus, my delegation is supporting the adoption of measures aimed at strengthening the protection of civilians in armed conflict.

Finally, we have taken note of the 10 recommendations to operationalize the road map, and we hope that they will be translated into reality.

Mr. Duclos (France) (*spoke in French*): My delegation associates itself with the statement to be made later by the representative of Italy, on behalf of the European Union.

We would like to thank you, Mr. President, for having organized this very important debate. My delegation would also like to express our deep gratitude to Mr. Egeland for his very compelling briefing at the beginning of the meeting.

The massacre and persecution of civilians in armed conflict is, unfortunately, nothing new in the history of humanity. All of us here are mindful of Callot's etchings of the miseries of war and of Goya's drawings — in which my compatriots are not portrayed in a favourable light — and of the famous painting by Picasso, a copy of which we pass every time we come to the Security Council. All the same, in recent years or recent decades, what was previously a terrible exception is becoming, in today's conflicts, a normal occurrence, almost a structural component of contemporary conflicts. Fortunately, the Security Council is aware of that phenomenon and is trying to understand its consequences as much as possible.

For some years now, we have been witnessing an increase in the number of items on protection on the Council's agenda and that is the real meaning of the

document that we refer to as the aide-memoire and which increasingly represents the common position of the Security Council and the international community in confronting this new situation. When you read the current aide-memoire and compare it with the version we had one year ago, we are pleased to note that major progress has been made in the common ground that we share as Council members in trying to deal with threats against civilians in armed conflict. That effort is particularly outstanding, since it is less the result of a doctrinal vision, than a step-by-step reaction by the Security Council in its various resolutions, as it has dealt with the various crisis situations.

Our thinking in the Council as we deal with attacks against civilians during conflicts has been guided, first and foremost, by international justice and the International Criminal Court (ICC). Like Mr. Egeland, we welcome the cooperation between the Transitional Government in Kinshasa and the ICC Prosecutor, which will demonstrate above and beyond the ideological debates of the past, what a great contribution the ICC can make, not only in the area of justice, but in bringing about reconciliation and in dealing in depth with the wounds of a society that has been traumatized by a particularly horrendous conflict.

The Under-Secretary-General for Humanitarian Affairs quite rightly noted that the problems involved in protecting civilians in armed conflict exist within a constantly evolving context. He described several elements of that context that were particularly striking. I note from that context in flux three new elements, namely, new opportunities, new obligations and new sources of concern. We see new opportunities in the Democratic Republic of the Congo and West Africa, the consolidation of the situations in Liberia and Sierra Leone, the setting up of a transitional process in Liberia and the latest positive developments in Côte d'Ivoire, which give one hope for effective implementation of the Linas-Marcoussis agreements. All of that is creating an opportunity for the international community to assume an exemplary approach based on close regional coordination to deal with the extraordinary scourges that have beset the civilian populations. I could also refer to other opportunities, but I will dwell on two opportunities that, in particular, require a response from the Council.

The Council has new opportunities as well as new obligations, and here, how can we not think of Iraq? Even if Iraq is not a case of a humanitarian crisis,

undoubtedly it creates an obligation to provide humanitarian assistance on the part of the international community. That also creates special obligations for the Coalition Authority, which has a special duty to fulfil their obligations under international humanitarian law, in particular the Geneva Conventions, including caring for the civilian population in Iraq and avoiding collateral damage to those civilians.

New opportunities and obligations and also new sources of concern are created, and from that long list I will highlight three subjects. First, as many other colleagues have noted, the cases of violence against women concern us and as we study various cases we realize how great that scourge is and how devastating its effects can be. Mr. Egeland referred in particular to some regions in the Democratic Republic of the Congo. Secondly, the use of children in armed conflict is a source of concern. Here again, the Under-Secretary-General referred to examples that were particularly shocking. In the case of Uganda, he mentioned a war against children waged to a large extent by other children. In the cases of women and children, we don't know whether the situation has become worse, which we fear, or whether there is just more information on the subject. In both cases, our better awareness of those problems forces us to step up our efforts to increase our investment in attempting to find solutions to those issues.

The third source of concern I would like to refer to — and here it is not a question of having better information — is the result, unfortunately, of irrefutable facts, namely the worsening attacks against humanitarian personnel.

Like others I would like to pay tribute to those who have given their lives for the civilian population and for the ideal of a better world while working for the United Nations. The worsening situation requires that the Council discuss that issue and take action. Indeed, we must note with bitterness that the terrorists of today have even more scorn for international law than yesterday's warlords.

How in such a changing context can we make progress in the months to come? How can we take further action? Mr. Egeland has given us a ten-point platform that we completely support. We are fully prepared to work on that basis, perhaps — if other Council members agree — with the idea of adopting another resolution that would be a further

demonstration of our resolve to act in this area. For that joint undertaking to be developed fully, there are probably two conditions that should be met. The first is to give full priority to information gathering on this very painful subject. Put simply, I believe that Mr. Egeland's briefing is, in itself, a factor in the struggle to protect civilians against attacks, because it has provided us with a very concrete and incisive portrait of the scourges besetting our world. In the future it is very important that we continue to twitch the guilty conscience of the responsible parties and international actors. It is also our duty to provide some sort of prioritization scheme in that regard, lest we follow only the conflicts that receive the greatest media attention and forget that there are other bloody conflicts far from the television cameras. That is the first condition that needs to be met.

The second condition is to give high priority to the question of access to civilians. On that point as well I would agree with what Mr. Egeland said earlier. It seems to us that the problem of gaining access to the population is the key to dealing with a large number of problems that we place under the heading of protection of civilians in armed conflict. With regard to access, we need, of course, to give priority to secure access, but we also need to deal with problems such as the political instrumentalization of access to populations. It is likewise imperative to create and enforce respect for obligations, and this includes armed groups and other illegal groups that participate in conflicts.

We could have a lengthy discussion on this subject, as it goes right to the heart of the action we need to take in the coming months and years in the service of international peace and security. I will stop here for the time being and merely reiterate that my delegation is very willing to continue along the route marked out by Mr. Egeland in the search for further progress in this area.

Mr. Tidjani (Cameroon) (*spoke in French*): On behalf of my delegation, I would like to congratulate you, once again, Mr. President, on your accession to the presidency of the Security Council for the month of December and for the initiative you have taken to organize this meeting on the important question of the protection of civilians in armed conflict.

I also wish to thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his very detailed

briefing that provided a wealth of updated information. Indeed, his briefing refers to some recent situations and highlights progress achieved since our open Security Council debate on 20 June. He also highlighted the challenges we must now face in our resolute commitment to protect civilians in armed conflict. I wish to express my delegation's great appreciation to the Under-Secretary-General for the quality of the work done since he recently took over his new functions and to assure him of Cameroon's full support as well.

My country welcomes the concept of a regular Security Council discussion on the protection of civilians in armed conflict. Such a dialogue, in which the entire United Nations family can participate, is, in my delegation's view, the best way to promote and develop a culture of protection of civilians, as recommended by the Secretary-General in his 2001 report (S/2001/331).

On 10 December 2002, in this Council Chamber, we heard a poignant account by Mr. Angelo Gnaedinger, Director-General of the International Committee of the Red Cross (ICRC), of the unspeakable suffering inflicted during armed conflicts on civilians. It is civilians who are often the main targets in such conflicts of acts such as genocide, ethnic cleansing, forced displacement, starvation, sexual violence against women, child recruitment, and the separation of families, among others. To that sombre picture, I think it is worth adding, as Mr. Egeland did, other challenges such as the commercial exploitation of conflicts, difficulties faced by humanitarian organizations in obtaining access to conflict zones and deliberate attacks on humanitarian personnel.

The protection of civilians is the cornerstone of international humanitarian law and that law is in a perpetual state of evolution. That state of evolution is dictated by our need to constantly adapt ourselves to new and complex forms of conflict; we must adapt to our new environment. In that regard, Mr. Jan Egeland's briefing was comforting, because, despite the tragedy facing the Iraqi people, the Congolese, the Colombians and many others from all over the world where conflict has broken out, it opens a new window and offers a new outlook for mankind. Indeed, he clearly outlined an overall strategy that looks at conflicts as a whole. He also spoke of the scope of international involvement to elaborate a framework for improving

the security situation of civilians and humanitarian personnel in armed conflict.

My delegation welcomes the progressive establishment of those international norms and principles, which will complement or further reinforce the various Geneva Conventions and the Additional Protocols on the protection of civilians in armed conflict. That protection calls for coordinated and consistent efforts on all fronts. It calls, therefore, for close cooperation and continual consultation among the permanent bodies of the United Nations system, concerned humanitarian organizations, parties to the conflict, civil society and regional organizations.

Drafting and adopting norms and principles for the protection of civilians in armed conflict is certainly a noble task, but to apply them effectively and irreversibly, that is the major concern that we must address. And that was perhaps what the Director-General of ICRC meant in his statement before the Council, when he said that the greatest challenge facing us now is not the development of new norms, but rather ensuring respect for existing ones. Moreover, that concern is reflected in the updated aide-memoire, which is an important reference document for the protection of civilians in armed conflict.

My delegation also welcomes the updated road map, which includes elements that will enable us to determine obligations and reinforce implementation, but it goes without saying that this road map, like the aide-memoire, must constantly be updated if it is to be truly effective.

In that framework, my delegation feels that the prevention of conflicts, the promotion of a culture of respecting human rights and humanitarian law, and the elimination of impunity deserve the greatest attention by the international community. On this point, Cameroon supports an approach based on advocacy to Member States implemented through a series of regional workshops, which has proven to be a useful basis for identifying the main regional concerns in protecting civilians and for making the various actors in armed conflicts more aware of the complexities and the interdependence of problems posed by the vulnerability of civilians in armed conflict.

And finally, in order to ensure genuine political will, my delegation agrees with the ten points outlined by Mr. Egeland and we welcome the consultative

process he intends to set up for a useful dialogue on these points.

The question of protecting civilians in armed conflict is a concern that the international community must steadfastly and tirelessly pursue. According to the Secretary-General of the United Nations, the success of our efforts depends on our will and determination to make this protection an absolute obligation for all parties involved in conflict.

The President (*spoke in French*): Before I give the floor to the next speaker on my list, I wish to inform the members of the Council and delegations who are inscribed on the list of speakers that I am going to suspend the meeting at 1.10 p.m., and that we will resume our work at 3 p.m.

Mr. Akram (Pakistan): Allow me to begin by expressing my delegation's appreciation to you, Mr. President, for convening this important open debate on the protection of civilians in armed conflict. We hope that our deliberations today will help in creating a better comprehension of the gravity and complexity of the problem and renewed determination on the part of the international community to address these problems.

We are grateful also to the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for his comprehensive briefing. We have listened to his review of various conflict situations as well as the prescriptions with great interest.

The two important documents developed by his Office, the road map and the aide-memoire, together present us with a blueprint and a strategy for the protection of civilians in armed conflicts. The challenges that he has highlighted and the ten action points that he has identified in the road map are important. We presume that the Council will pronounce itself in a presidential statement on these issues. Pakistan also looks forward to participating in the consultative process that was mentioned by the Under-Secretary-General.

The Security Council and the United Nations can, we believe, take a number of practical actions to implement the strategy for the protection of civilians in armed conflicts. First, it would be useful to understand and to adjust to the new nature of warfare and conflict in the present-day world. While humanitarian law was devised mostly to regulate the conduct of disciplined

and organized armies, present-day conflicts are mostly asymmetric in nature with strong organized forces confronting non-State actors and guerrilla forces.

The protection of civilians is more difficult in these circumstances. Nevertheless, a greater effort is necessary to secure from the contending forces commitments of adherence to the Geneva Conventions and Protocols and other principles of humanitarian law. The onus is, of course, on the organized forces, but even the non-State parties should be called upon by the international community to respect the norms of the Geneva Conventions and Protocols.

One issue that affects civilians in this context is the treatment of prisoners. Often in irregular warfare, especially in the war on terrorism, there is difficulty in distinguishing between civilians and combatants. Yet, there are minimum standards that must be observed in the treatment of suspected combatants.

Secondly, the rules of engagement in asymmetric conflicts need to be improved. There are well-known rules, for example, regarding the use of civilians as shields, the non-targeting of civilian structures, and caution in the use of force in populated areas, all of which need to be more scrupulously observed. But there may be need to examine the use of asymmetric or massive force against individual targets. There is a need for greater examination of the principle of proportionality in the use of force. There is also the need to examine the use of so-called smart weapons, which, all too often, are not so smart. There is a need for certain standards of certainty with regard to intelligence relating to the use of small weapons, heavy weapons or smart weapons so that tragic accidents can be averted.

We feel there is a greater need to resort to ceasefires and truces, even if these are temporary. In this context, I must mention that Pakistan is happy that the proposal of our Prime Minister for a ceasefire along the Line of Control in Kashmir has been accepted and reciprocated, and the ceasefire continues to hold. This will save hundreds of lives in the coming months.

Thirdly, the international community must deal more effectively with the consequences of conflict. The so-called duty to protect cannot be reduced to merely a duty to intervene militarily in situations of gross violations of human rights. This duty arises well ahead of the need for such physical intervention. The United

Nations and the international community can do some practical things to promote such protection.

First, as has been rightly emphasized by Mr. Egeland, we must secure agreement of all parties for access to conflict areas and to civilian victims.

Secondly, war not only causes civilian casualties, it also creates widows and orphans. The international community must respond to this phenomenon in a more targeted manner. We should consider the creation of an international fund or facility to help those whom I would call the widows and the orphans of war.

Thirdly, armed conflicts also create refugees and displaced persons. There are estimated to be over 20 million refugees today. While the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs seek to address their plight, it is also evident to all of us that assistance in most cases for refugees and displaced persons is inadequate. The refugees who appear on global television get most of the help. Others have to mostly fend for themselves. The United Nations should therefore establish some rule or criteria to publicize where the refugees and displaced persons are, how many they are and what their assistance requirements are. The Security Council, for its part, can create binding obligations for States through a resolution or resolutions to provide assistance to all refugees and displaced persons in need. The UNHCR should be required, also, to periodically publish and circulate statistics on refugees and displaced persons for this purpose.

The fourth area I wish to mention is the issue of impunity — the redress of wrongs committed during conflicts against civilians, especially against women, who are so often the victims of rape in such situations, the maltreatment of children and the resort to genocide. It is essential to punish these crimes, both as a deterrent against future violations and to create the basis of political reconciliation and sustainable peace in and among countries and societies that have experienced conflict.

It may well be difficult to establish specific tribunals for each conflict, but the use of the international criminal tribunal, or even of the International Court of Justice, to enable individuals and groups to seek redress should become an international norm. For instance, redress for the massacre of Srebrenica should be a right accorded to the families of

the victims, and no conflict should be a forgotten emergency.

The fifth area I wish to mention is the resort to naming and shaming, which has been upheld as an effective instrument to secure good behaviour, such as in the protection and promotion of human rights. In the context of protecting civilians in armed conflicts, the United Nations and the International Committee of the Red Cross should be authorized to publish a compendium each year of the numbers of civilians affected or estimated to be affected by armed conflicts, the nature of the violations against them and, if possible, those responsible for such violations. This would appear as an appendix to the annually updated aide-memoire prepared by the United Nations Office for the Coordination of Humanitarian Affairs.

A sixth area is the need for a conscious effort to ensure the protection of international humanitarian and United Nations personnel in conflict situations. In this context, Pakistan has strongly condemned the attacks on humanitarian and United Nations personnel in Afghanistan, in Iraq and elsewhere. We believe that the Security Council took a laudable step earlier this year when it adopted resolution 1502 (2003) on the protection of humanitarian and United Nations personnel in conflict zones.

But more is required. We believe that a publicity campaign or campaigns need to be launched in conflict situations to impress upon all parties that the United Nations and international personnel are impartial and their mission is to ease the pain of war and help to promote peace with justice. It is therefore also vital that the United Nations and international agencies must not become identified with any one party to a particular dispute, that their composition in nationality and expertise should be balanced and that they should be perceived to be neutral. At the same time, violence against international personnel, from whatever quarter, needs to be effectively penalized. There should be no exceptions or exemptions in this regard.

Finally, it must be acknowledged that the best protection of civilians in conflicts is to prevent conflicts and to end them if they break out. This is the primary function and responsibility of the Security Council. The Council possesses a panoply of modalities and means for conflict prevention and conflict resolution. We must explore all possible means to achieve this objective. The debate on the use of the

Charter's Chapter VI modalities during the Pakistan presidency of the Council last May was most useful. The Council should consider other ways of resolving disputes and responding to conflicts, for example through the creation of composite committees to address complex crises where social and economic factors are predominant. The reform of the United Nations should focus, in our view, on promoting this central goal of saving succeeding generations from the scourge of war.

Mr. Trautwein (Germany): Mr. President, I would like to begin my remarks by thanking you for having convened this open debate and by especially thanking the Under-Secretary-General Egeland for his comprehensive and detailed statement, in particular the outline of the 10 action points that build on the road map. I associate my delegation with the statement that will be delivered by the Italian Ambassador, on behalf of the European Union.

The time of traditional warfare is past. While in World War I, the "Great War", the overwhelming number of victims were soldiers, the situation today is entirely different. Indeed, combatants today are in the minority when we talk about war victims. Civilians bear the brunt when it comes to casualties. They are unprotected and defenceless, exposed to violence entirely beyond their control. Human suffering has become a key issue in wartime, yet it does not receive the attention it deserves.

Clearly, the rules and international treaties aimed at the protection of civilians in war situations, which came into force during the twentieth century, no longer provide sufficient protection in the twenty-first century.

We have to develop new ways of coping with the continuing menace to the well-being of civilian populations during war and combat. Fortunately, the past few years have brought an increased awareness of the problem, beginning with the Secretary-General's report on the situation in Africa in 1998, in which he identified the protection of civilians in armed conflict as a humanitarian imperative. Subsequently, the Security Council has repeatedly dealt with the subject and receives a briefing by the Office for the Coordination of Humanitarian Affairs (OCHA) every six months. Also, the Secretary-General has issued three reports to date on this subject. Thus, public awareness has been increased.

We very much welcome these developments. They are a sign of new thinking. OCHA has become the key player and focal point whenever the concept of effective protection of civilians is raised. Thus, we aim to create a culture of protection, as the Secretary-General has called it. The Security Council, responsible for the establishment and maintenance of international peace and security and for legitimizing power for peace missions, is the main actor when it comes to determining which actions to take to secure civilians in war situations. No mandate for peace missions should be drafted without the protection of civilians in mind. Sanctions need to be imposed with the consequences for civilians in mind.

However, the awareness of the need for protection of civilians must not be confined to New York, Geneva and some capitals. The five regional workshops held to date represent a commendable effort to broaden awareness in the field. Education, it seems to me, is another important factor if we want to gain the widest possible support for a culture of peace. This involves early incorporation into the respective educational curriculums.

Allow me to make a remark on two particularly vulnerable groups: children and women. The phenomenon of child soldiers in crisis regions is increasingly common. To force children to take up arms, rather than to let them develop peacefully and enjoy a proper education, is a crime not only against the individual, but also against the future of a whole society.

Women, similarly, are very vulnerable in wartime and are frequently subjected to cruel and degrading treatment. But we need not think of women only as the weak ones, as victims. They can assume an important role in preventing conflicts and in post-conflict peace-building. We need to stress this role more and we need to recognize its vast potential. The General Assembly's resolution on the prevention of armed conflict has reminded us of this.

Governments need to be motivated to make every effort to protect their civilians sufficiently from combat. If those Governments are unable to do so, they must not impede those who are legitimized to help in accordance with international law — that is, humanitarian organizations. To create safe havens and zones of temporary security is often essential when combat activities force people from their homes. All

humanitarian organizations need the necessary access in order to help. Civilian populations must not be taken hostage by warring factions trying to deny that access. Combatants acting in such a manner must realize that they are acting against fundamental principles of humanity. Likewise, acts directed against humanitarian personnel must be considered as being directed not only against individuals, but also against the civilian population in need of that humanitarian aid. In this context, Germany supported the unanimous adoption of Security Council resolution 1502 (2003) on the protection of United Nations humanitarian personnel.

Let me conclude by pointing out that civilians in wartime cannot be protected solely by the efforts of humanitarian organizations, including the United Nations. Combatants who violate the principles of humanitarian law, be it by acts directed against civilians or against humanitarian personnel, need to know that their acts eventually will come under judicial scrutiny from national or regional tribunals or from the International Criminal Court. I therefore call on all Member States to strengthen the tools which already are at hand in this respect.

The President (*spoke in French*): I shall now make a brief statement in my capacity as Permanent Representative of Bulgaria.

As an associate country of the European Union, Bulgaria clearly and fully supports the statement to be made shortly by the Italian presidency of the Union.

My job has been made easier by the fact that there is agreement in the Council on the extremely important and burning topic of the protection of civilians in armed conflict. My job has also been broadly facilitated by the excellent briefing by Mr. Egeland. It was very exhaustive and I have nothing to add to it. I should, however, like to make a few general comments.

Clearly, the United Nations today is playing a central coordinating role in the international community's efforts better to protect civilians in armed conflict. Naturally, this is one of the most important provisions and strengths of our Organization's Charter. Mr. Egeland's briefing highlighted the long list of problems that still face us, some of which are new. Among the most disturbing of these is the problem of security for the personnel of the United Nations and humanitarian organizations in the field. As Ambassador Muñoz pointed out earlier, after the 19

August incident in Baghdad, in particular, the United Nations lost its innocence, as it were. It is now a target of terrorist attacks. I believe that resolution 1502 (2003) was a rather swift and categorical response from the Council to these new and extremely disturbing phenomena, which may make the United Nations job even more difficult.

Secondly, we must note that the continent most affected by the problems under consideration is Africa. I was very shocked by the information provided by Mr. Egeland about the situation in northern Uganda, in particular. In the past, the Council has not generally discussed Uganda from that particular perspective, and it is a sad reality. I should like to thank Mr. Egeland for having also referred in his briefing to Somalia, a country beset by serious problems and where civilians have suffered for over a decade, given that there is essentially no real State there and the country is in the hand of warlords.

Thirdly, I should like to thank Mr. Egeland and his colleagues for having provided the Council with the updated aide-memoire. The delegation of Bulgaria is currently coordinating the work on a presidential statement that will make it possible for the Council to endorse that important document. I hope that that work will be concluded very soon.

It is also important to ensure consistency and synergy between the revised aide-memoire and the action plan recommendations now being updated. That is a very important instrument that will structure the efforts of both the United Nations and the entire humanitarian community. We must ensure that all the details are fleshed out and coordinated.

I would like to conclude on that point.

I would once again like to thank Mr. Egeland and his associates, as well as all Council members, for their very active and substantial participation in this important debate. It is often said that we discuss the problems associated with the protection of civilians too much. But the contrary is in fact true: we neither talk or act enough in that regard. It is important for the Council to put all its political weight behind this effort by the Secretariat. I think today's discussion provides eloquent proof of that point.

I now resume my function as President of the Security Council.

I shall now call on the non-members on my list. In order to maximize the time available to us, I shall not call on speakers individually to come to the table or to resume their seats at the side of the Council Chamber. Once a speaker takes the floor, conference officers will indicate to the following speaker the seat he or she should take at the Council table.

I now give the floor to the representative of Italy.

Mr. Mantovani (Italy): I have the honour to speak on behalf of the European Union. The acceding countries of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia; the candidate countries of Bulgaria, Romania and Turkey; the countries of the Stabilization and Association Process and potential candidates of Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro; and the European Free Trade Association country member of the European Economic Area, Iceland, declare that they align themselves with this statement.

Allow me to start by congratulating you, Mr. President, on your assumption of the presidency of the Security Council for the month of December. I thank you for giving us an opportunity to debate this important issue. I also wish to thank Under-Secretary-General Jan Egeland for his excellent and very comprehensive intervention and for the work done by his Office.

The European Union deeply appreciates, and fully shares, the commitment shown by the Security Council to, and the establishment of a regular dialogue on, the protection of civilians agenda. Indeed, the impact of armed conflict on civilians remains a dramatic problem in many parts of the world, and especially in some African countries. In addition to the immediate human suffering it causes, it also has long-term consequences for lasting peace, security and development.

We must continue to raise awareness of the tragic repercussions of conflicts on civilian populations, and contribute to the promotion of a widespread culture of protection, as the Secretary-General properly defined it in his report of March 2001. Actually, civilians have become the main victims of violent conflicts. They are increasingly exposed to all sorts of abuse, exploitation and violations of human rights. They constitute the primary target of attacks motivated by ethnic and

religious hatred, political confrontation and the ruthless pursuit of economic interests.

The European Union supports the United Nations increasing focus on the conditions of civilians affected by armed conflict, and commends the approach adopted in recent years by the Security Council, the Secretary-General and other relevant offices and agencies of the United Nations. We remain convinced that issues related to the protection of civilians must remain at the top of our agenda. The European Union therefore welcomes the proposed revised aide-memoire to be endorsed by the Security Council and the updated road map. We welcome the inclusion of such new elements as those relating to the prevention and remedying of sexual exploitation and abuse and trafficking in women and children, as well as the strengthened emphasis on internally displaced persons.

The European Union fully subscribes to the key issues identified by the United Nations, as they invariably arise in situations of armed conflict, and is committed to supporting the efforts of the United Nations to address them. Those issues include the lack of, or restricted access to, vulnerable and affected populations, which remains the primary concern in most conflict areas around the world; the widespread recourse to rape and other atrocities against women and children, which are increasingly used as a brutally devastating weapon of war; the need to separate civilians and combatants so as to ensure that safe-havens provided to civilian populations are not exploited as recruiting grounds for armed groups; the general breakdown in security, law and order, which exacerbates the suffering of vulnerable populations; the implementation of programmes for the disarmament, demobilization, reintegration and rehabilitation of combatants, which is also fundamental to the re-establishment of a peaceful and secure environment; the protection of civilian populations from the risks of mines and explosive remnants of war; the security of humanitarian personnel, which remains a key challenge for the United Nations and all international aid workers; and the provision of appropriate training for humanitarian workers and peacekeepers to assure that the culture of protection is deeply engrained in them.

In order to address those issues the European Union calls upon all States and parties to armed conflict to respect, and ensure compliance with, international humanitarian law, as well as to respect the neutrality, independence and impartiality of

humanitarian operations. The European Union is concerned about the increased risks that United Nations and associated civilian personnel are facing on the ground, and reiterates the great importance it attaches to the Convention on the Safety of United Nations and Associated Personnel and to the expansion of the scope of the legal protection under the Convention.

Furthermore, perpetrators of international humanitarian and human rights law must be brought to justice at the national level or, where not possible, to international justice. The primary responsibility to carry that out lies with each State. The European Union therefore urges all States to ratify and implement all relevant international agreements.

The European Union, while developing its cooperation with the United Nations and increasing its own capability in crisis management, is firmly committed to ensuring that the protection, rights and assistance needs of civilians are fully addressed in all European Union-led crisis management operations, in full compliance with international law and Security Council resolutions. Accordingly, the European Union is in the process of finalizing overarching guidelines to assist in ensuring that its policy in this area is fully consistent and coherent. Those guidelines are fully in line with the aide-memoire adopted by the Security Council on 15 March 2002. They are intended to develop a comprehensive and action-oriented approach to the protection of civilians in the conduct of European Union-led crisis management operations. They call for the European Union, in coordination with the United Nations and other relevant international organizations, to respect, and ensure respect for, international law and other relevant norms relating to the protection of civilians. Special attention is devoted to the need to protect internally displaced persons and refugees and to maintain the humanitarian and civilian character of camps provided for them. All possible measures will be taken to ensure that women play a key role in refugee camp planning, management and decision-making so that gender issues are taken into account in all aspects, especially resource distribution, security and protection.

Where an EU-led operation is deployed, all possible measures will also be taken to protect the rights of those persons who — on grounds of race, colour, sex, sexual orientation, religion or faith, descent or national or social origin — suffer from discrimination. Special consideration will be given to

the rights of children, to ensure that they do not take a direct part in hostilities and are not recruited or used by armed groups, and that combatants, in particular child soldiers and girls following armed groups, are disarmed, demobilized, rehabilitated and reintegrated.

Where necessary, child protection expertise will be integrated into the chain of command of EU-led crisis management operations. The EU will also continue to cooperate with the United Nations and other international organizations to ensure family reunification of displaced children and close monitoring of and report on the protection of children in armed conflict.

The need to protect women and children from sexual exploitation, abuse and trafficking requires the development of standards or codes of conduct for national armed forces or police forces and all other personnel deployed in European Union-led crisis management operations. Such standards will reflect, as a minimum, the provisions of the United Nations "Ten Rules: Code of Personal Conduct for Blue Helmets", as well as the six core principles established by the Inter-Agency Standing Committee.

Within the available means and capabilities of any given mission, the measures envisaged by the European Union could include the systematic incorporation of gender analysis into early-warning activities, fact-finding missions, planning and implementing processes for post-conflict reconstruction and institution-building, field operations and standard operating procedures.

States contributing personnel deployed in EU-led crisis management operations should in particular ensure monitoring and reporting of alleged violations of human rights and of international humanitarian or international criminal law. Investigation of each complaint and prosecution of those responsible should be ensured. Suitable training in these areas should be provided to personnel deployed on the ground, both at a national level and through European programmes, where appropriate, in cooperation with the United Nations and other relevant international bodies.

The protection of civilians in armed conflict is one of the main issues on our agenda, given its repercussions on international peace and security and respect for human rights and international humanitarian law. It also provides a major opportunity to enhance cooperation between the United Nations and the

European Union. We remain firmly committed to this objective and fully subscribe to what the Secretary-General has emphasized on several occasions: as human beings, we cannot be neutral, or at least have no right to be, when other human beings are suffering. In this spirit, the European Union looks forward to continue discussing all relevant aspects of protection of civilians in armed conflict in the light of the next report by the Secretary-General on the matter.

The President (*spoke in French*): I now call on the representative of Ukraine.

Mr. Kuchinsky (Ukraine): First of all, let me express our condolences to the Russian delegation with regard to the hideous terrorist act that took place today in the centre of Moscow. Ukraine has always strongly condemned terrorism in all its forms and manifestations.

I would like to join my colleagues in warmly congratulating you, Sir, on your assumption of the presidency of the Council for this month. I wish also to extend our gratitude to your predecessor, His Excellency Mr. Gaspar Martins, and his team for their excellent performance last month.

Ukraine highly commends the initiative of Bulgaria to hold this important debate on how to improve the protection of war-affected civilians. I would like to thank Mr. Jan Egeland for his first and very comprehensive briefing to the Security Council as Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

The urgency and importance of today's debate are underlined by the persistent violent and volatile environments in which civilians find themselves, in particular, as was outlined in Mr. Egeland's presentation, in the Democratic Republic of the Congo, Iraq, Afghanistan, the Middle East and in West Africa and Central Africa.

Over the past several years, we have witnessed certain progress in the consideration of the issue of the protection of civilians in armed conflicts. Nevertheless, there is still a lack of political will and of willingness of parties to conflict to implement all relevant international instruments.

The aide-memoire adopted by the Security Council has become a practical tool that provides a basis for improved analysis and diagnosis of key civilian protection issues that arise out of conflict. Therefore, we cannot but welcome the new improved

aide-memoire presented today. We hope that it will further facilitate full realization of the United Nations potential in the protection of civilians around the world.

We also note with satisfaction the updated road map presented today by Mr. Egeland.

I would like to touch upon some, in our view, crucially important issues on the protection of civilians.

First is humanitarian access to vulnerable populations. Humanitarian assistance does much to improve the protection of civilian populations and prospects for a successful transition to reconciliation. We consider that the cooperation between the Security Council and the Economic and Social Council on those issues should be further strengthened. We believe that the Economic and Social Council has an important role to play in areas that lay at the heart of peace-building. Its enhanced cooperation with the Bretton Woods institutions, as well as its capacity to engage other stakeholders, such as non-governmental organizations and the private sector, provides great potential for mobilizing key players.

We also believe that the humanitarian dimension of conflict requires coordinated action between the Council, the General Assembly, the Economic and Social Council, the Secretariat, relevant United Nations bodies, regional and subregional organizations and international financial institutions, as well as Member States.

Individuals should be protected from crimes against humanity, which occur most often in times of armed conflict. This year the International Criminal Court (ICC) became in reality a major building block of the system of international security aimed at effectively preventing and punishing various violations of humanitarian law such as genocide, crimes against humanity, war crimes and the crime of aggression. We must give a fair chance to the ICC to reach its potential in countering impunity of persons responsible for committing such crimes.

Situations of armed conflict are invariably accompanied by a general breakdown in security and law and order. The quick restoration of those spheres is the foremost concern in most conflict situations. In this

regard, we commend the fruitful discussion at the high-level meeting of the Security Council last September on justice and the rule of law, and we hope that such meetings will become regular in the future. I would like to reiterate that, in such situations of transition, it is crucial that law and order, including the functioning of police, courts and prisons, be re-established quickly, as a measure of utmost priority.

The fourth issue of importance to my delegation is safeguarding the security of humanitarian personnel. It remains a key challenge for the United Nations and its humanitarian partners. Recent months have witnessed ongoing threats and horrific attacks against humanitarian personnel. Humanitarian workers became deliberate targets for political or tactical purposes, thus marking a disturbing trend of blatant disregard for humanitarian principles. Those unlawful acts ultimately aggravate the suffering of the civilian population. Therefore, we welcome the adoption by the Council of resolution 1502 (2003), which represents its initial response to this problem, providing elements for an effective protection mechanism.

Finally, I would like to raise another issue: the issue of the protection of journalists, who, along with the civilian population and humanitarian and United Nations personnel, become targets in armed conflicts. Being on the front line of conflict, they report independently on the developments on the ground, often making the ultimate sacrifice so that the world can be fully informed on the realities of the situation. However, despite the fact that journalists should be protected under the Additional Protocols to the 1949 Geneva Convention, they continue to be exposed to attacks, killings, torture and kidnapping. An estimated half thousand journalists have been killed worldwide during the last decade alone. In many cases, they were victims of deliberate attacks by parties to conflict. I believe that the issue of protection of journalists is our common concern and should therefore be reflected in the road map.

The President (*spoke in French*): We still have a number of speakers on the list for this meeting. With the consent of the Council members I would like to suspend the meeting until 3 p.m.

The meeting was suspended at 1.20 p.m.



Security Council

Fifty-eighth year

Provisional

4877th meeting

Tuesday, 9 December 2003, 3 p.m.
New York

<i>President:</i>	Mr. Tafrov	(Bulgaria)
<i>Members:</i>	Angola	Mrs. Manuel
	Cameroon	Mr. Tidjani
	Chile	Mr. Andereya Latorre
	China	Mr. Cheng Jingye
	France	Mrs. D'Achon
	Germany	Mr. Von Bieberstein
	Guinea	Mr. Touré
	Mexico	Mrs. Arce de Jeannet
	Pakistan	Mr. Khalid
	Russian Federation	Mrs. Golovnya
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland	Mr. Lake
	United States of America	Mr. Olson

Agenda

Protection of civilians in armed conflict

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.



The meeting was resumed at 3.10 p.m.

The President (*spoke in French*): I would remind representatives that, in order to optimize the use of our time, I will not individually invite speakers to take seats at the table. When a speaker is taking the floor, the Conference Officer will seat the next speaker on the list at the Council table.

The first speaker on my list is the Permanent Representative of Japan, to whom I give the floor.

Mr. Haraguchi (Japan): I would like to welcome the decision of the Security Council to convene this open debate on the issue of the protection of civilians in armed conflict, which is of great concern to all Member States. I wish to commend the Office for the Coordination of Humanitarian Affairs (OCHA) for its work in updating the aide-memoire as well as the road map on protection of civilians in armed conflict.

Let me also take advantage of this opportunity to welcome the press statement by the President of the Security Council — you yourself — issued yesterday on the condemnation of the attacks in Iraq on foreign and Iraqi nationals and on international and coalition personnel, including two fellow Japanese diplomats.

Japan shares the conviction that, under any and all circumstances, civilians should be protected from becoming the targets of deliberate attacks. Attacks on vulnerable civilians, who have no means of defending themselves — especially children and women — are disgraceful, barbaric and cowardly acts. They also destroy the basic fabric of society, generate enmity and mutual distrust, and do irreparable harm to any opportunity for rehabilitating post-conflict communities. Every attack against civilians must be strongly condemned and the perpetrators brought to justice in accordance with international law.

The protection of civilians in armed conflict is an area where a human security approach is also indispensable. As the report of the Commission on Human Security points out, human security should be placed on the security agenda, and humanitarian action should be strengthened; these are two important policies, which must be enhanced. Japan is determined to cooperate closely with the various stakeholders to promote human security in this field.

The aide-memoire is an important tool; it helps to guide us in our consideration of protection issues.

Threats to civilians are so diverse and complex that we may find it difficult to focus our efforts. However, we must not become confused in the face of seemingly complicated situations. Let me try to draw a clearer picture of the challenges we face and the tasks ahead of us with respect to the protection of civilians by discussing the sources, types and duration of threats to civilians in armed conflict.

First, let me turn to the sources of threats and ways to address them. In recent times, while the number of armed conflicts taking the form of traditional wars between sovereign States is down, we have, however, witnessed an alarming increase in armed conflicts within national borders, or sometimes across national borders, between Governments and rebel groups or among non-State parties. Such armed conflicts often take place because of bitter enmity based on such factors as tribal, ethnic or religious differences. In such cases, the hostilities are usually extremely intense, and a large number of civilians tend to fall victim to them.

Protecting civilians in the midst of armed conflict under such circumstances requires the engagement of those groups that have taken up arms. In many cases, only neutral players such as special representatives of the Secretary-General or the Emergency Relief Coordinator can accomplish this. These are among the few agents who are in a position to communicate directly with armed groups to remind them of the necessity of protecting civilians and of their direct responsibility under international humanitarian law to do so.

Such involvement is sometimes looked upon with suspicion, as it is considered interference in internal affairs. However, it should not be viewed as a challenge to national sovereignty, especially when national authorities have failed, or have a limited capacity, to protect civilians. In reality, such a direct dialogue should be seen as an effort to complement national sovereignty.

Secondly, let me turn to the types of threats that exist. It is not sufficient simply to protect civilians from physical harm; their human dignity must also be protected. Vulnerable civilians cannot recover their dignity if they are left in extremely poor conditions as a result of armed conflict. They need to engage in their livelihoods free from fear of extreme poverty, starvation or deadly disease. They need to be

empowered in order to become constructive actors in their communities. Humanitarian and rehabilitation assistance plays an important role in addressing such needs.

Without proper arrangements to secure access to people in need and to ensure the safety of aid workers, however, such workers will be unable to perform their roles. Thus it is vital, through the concerted efforts of the international community, including direct dialogue with armed groups, to ensure that such arrangements are made. We should redouble our efforts to discuss the expansion of the scope of protection, under a clear definition, of the existing Convention on the Safety of United Nations and Associated Personnel.

Thirdly, on the duration of threats, we must bear in mind that civilians often continue to be in danger even after major battles have ended. We should not be misled by the rather artificial demarcation between conflict and post-conflict situations. So-called post-conflict situations often remain precarious and highly likely to revert to conflict situations in the absence of deliberate measures and attention.

The restoration of social stability is indispensable to the lasting protection of civilians. To that end, it is of the utmost importance to collect and destroy firearms that have been widely circulated throughout a society, and to demobilize ex-combatants and then rehabilitate them and reintegrate them into society as normal citizens — what is called the disarmament, demobilization, reintegration and rehabilitation (DDRR) process. The reconstruction of an impartial and dependable police force and of other law enforcement systems is indispensable, too. Furthermore, it is also important to put an end to impunity for those responsible for serious violations of international humanitarian, human rights and criminal law, in order to achieve real national reconciliation and rebirth.

The protection of civilians in armed conflict is a task that requires close coordination and cooperation among various organs of the United Nations system as well as with Member States and non-governmental organizations (NGOs). In this context, it might be worthwhile for the Security Council and the Economic and Social Council to convene a joint meeting to address the issue. Coordination among the relevant departments of the Secretariat should also be strengthened and continuously reviewed. We welcome

in this context what has been done to improve coordination between the Department of Peacekeeping Operations (DPKO) and OCHA better to reflect the points made in the aide-memoire. Due attention should be paid to the aide-memoire at every stage of planning a response to a complex emergency situation.

The protection of civilians in armed conflict is not a new agenda item, but, as the road map demonstrates, there are still many tasks to be carried out. We must not forget that most civilian casualties have occurred in the course of emergencies that have been prolonged but have failed to attract much international attention. Japan welcomes further discussion, which will help us better to position ourselves to meet the wide range of challenges we face in addressing the question of the protection of civilians in armed conflict.

The President (*spoke in French*): I call on the representative of Switzerland.

Mr. Helg (Switzerland) (*spoke in French*): Switzerland welcomes this debate on the protection of civilians in armed conflict, and we are grateful to Mr. Egeland for his very promising contribution. I should like also to thank the Office for the Coordination of Humanitarian Affairs for the useful update of the aide-memoire and of the road map.

The new aide-memoire further takes into account the specific needs of women and children, as well as those of internally displaced persons. The new version of the road map facilitates the implementation of recommendations, thanks to the addition of a list of measures already taken, as well as of opportunities for action. We also welcome the attribution of concrete sets of responsibilities for the various recommendations. It now remains for us to ensure that these instruments are implemented and fleshed out by, for example, integrating the relevant provisions of Security Council resolution 1502 (2003) on the protection of United Nations personnel in conflict zones.

During the twenty-eighth International Conference of the Red Cross and Red Crescent, which recently concluded in Geneva, States discussed, under the general theme of human dignity, many aspects relating to the protection of civilians in situations of armed conflict or of disaster. The concept of human security creates a link between the humanitarian needs and the overall security needs of individuals. As a

member of the Human Security Network, Switzerland encourages the Security Council to endorse this multidimensional concept as a way of protecting human dignity and improving the well-being of vulnerable people.

The Red Cross Conference also adopted a Declaration and Agenda for humanitarian action. We invite the Security Council to take note of the important outcome of that Conference — the fruit of a unique exchange between States and civil society.

Respect for international humanitarian law and the principles of the rule of law, as well as the proper functioning of national and international justice, are key factors for the increased protection of civilians. International humanitarian law has been called into question on a number of occasions, following the emergence of new forms of conflict. The major challenge, however, remains to ensure that its principles are scrupulously and unfailingly implemented in all armed conflict situations by all parties to conflict, including non-State armed groups.

Switzerland strongly encourages the use of all available instruments, notably the International Criminal Court and the International Humanitarian Fact-Finding Commission, the latter of which was created on the basis of the First Protocol Additional to the Geneva Conventions. These mechanisms are fortifications against the weakening of international humanitarian law.

As the Depositary of the Geneva Conventions and their Additional Protocols, Switzerland calls upon all parties to those Conventions that have not already done so to ratify the Protocols and to consider lifting the reservations made in that respect.

Switzerland also welcomes the recent conclusions of the meeting of the States parties to the 1980 Convention on Certain Conventional Weapons relating to Protocol V concerning post-conflict measures on explosive remnants of war. Switzerland encourages States to ratify that Protocol, which gives us reason to hope that explosive remnants of war will be removed and eliminated as quickly as possible after the end of hostilities and that protection of civilian populations will thereby be permanently improved.

The obligation to guarantee safe and unhindered access for humanitarian actors and to people in need of protection and assistance is another important element.

This is the responsibility of both States and non-State groups. It is also up to the Security Council to demand from all the actors involved, whether political, military or economic, greater diligence in providing protection for humanitarians. In this context, Switzerland calls for the effective implementation of the 2003 Oslo Guidelines on the Use of Military and Civil Defence Assets To Support United Nations Humanitarian Activities in Complex Emergencies.

Finally, the fact that humanitarian workers have become the target of deliberate attacks and the victims of kidnappings, assault and threats is absolutely unacceptable. Such acts make impossible, or have a serious negative impact on, the work of humanitarian organizations in support of the victims.

It is imperative to put an end to impunity through national legislation and international law in the light of the relevant provisions of the 1998 Rome Statute. In order to improve the safety of United Nations humanitarian workers, it is also necessary to draw on the lessons set out in the report of the Independent Panel on the Safety and Security of United Nations Personnel in Iraq. We welcome the measures taken by the Secretary-General to follow up on the recommendations of the experts.

I would like to conclude by reaffirming that, because of its commitment to human security, Switzerland has significantly helped to promote and develop a culture of protection. We are thinking in particular about civilians in armed conflicts who have been left off political agendas, in areas often neglected by the media. We must protect the people in those conflicts in particular.

The President (*spoke in French*): I now call on the representative of Sierra Leone.

Mr. Rowe (Sierra Leone): My delegation appreciates the opportunity that you, Mr. President, and the other members of the Council, have afforded us to make a modest contribution to this new debate on the important issue of the safety of civilians in armed conflict. At the outset, we acknowledge and commend the efforts of the United Nations system, in particular the Office of the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, in accentuating the benefits of developing a culture of protection in the international community. The Organization as a whole has come up with guidelines and principles, including the aide-memoire

adopted by the Security Council last year, and various recommendations made by the Secretary-General himself, for alleviating the plight of civilians in areas of armed conflict. We would also like to express our thanks to Under-Secretary-General Egeland for his comprehensive briefing this morning, and for the updated version of the aide-memoire, as well as the 10-point platform for future collective action on this matter, which is of serious concern to all States.

As long as armed conflicts continue, incessantly, to take their toll on innocent people in various parts of the world, between and within States, and as long as some parties to such conflicts continue to ignore the basic principles of international humanitarian and human rights law, the Security Council must continue to undertake periodic reviews and in-depth assessments of measures that have been devised to ensure the effective protection of civilians in armed conflict.

First, we know that the tactics employed in deliberate acts of violence against civilians are changing rapidly. Secondly, as the Secretary-General reminded us recently, many of the political and legal instruments at our disposal for the protection of civilians in armed conflict are outdated. These periodic assessments by the Security Council should serve as a reminder of the need to adapt and update the appropriate instruments and guidelines to meet the new challenges posed by both State and non-State actors in areas of armed conflict.

The Sierra Leone experience, covering more than a decade of rebel atrocities, is a chapter by itself in what has become a voluminous record of lessons learned in the area of civilian protection in armed conflict in the post-world-war period. We understand, for instance, that the aide-memoire, which the Secretary-General once described as the centrepiece of a strategy for civilian protection, was usefully applied to the situation in Sierra Leone. My delegation believes that the authors of the document must also have learned from our experience in the difficult task of defending our people against the ruthless rebel attacks on the civilian population over a 10-year period. Indeed, the machinery established to address impunity — namely the Special Court — is itself unique in the annals of current and emerging international humanitarian law. Whether or not this hybrid court concept could be applied in other situations is debatable. Meanwhile, we are confident that its effectiveness as an instrument of protection will be realized in due course.

In reviewing and updating the aide-memoire, especially in the context of peacekeeping mandates of the Security Council, my delegation would like to draw attention to two elements pertaining to the protection of civilians in armed conflict.

First, we strongly believe that emphasis should be placed not merely on the obligation and responsibility to protect, but also on the capacity to provide protection. That applies to virtually all the internal and cross-border armed conflicts that have been raging, for example in our part of the world, the West African subregion.

Often the capacity of Governments, including the Government of Sierra Leone, to comply with obligations of protection under relevant international humanitarian law in the face of rebel atrocities perpetrated with the support of external elements is extremely — extremely — limited. We welcome the assistance provided by the international community to facilitate humanitarian emergency assistance to areas where the population was caught in so-called rebel-controlled areas.

Imagine the number of innocent civilians that could have been saved in Sierra Leone if, for instance, the democratically elected Government of Sierra Leone had had the capacity to respond to and avert rebel atrocities, including amputation, rape and many of the crimes now before the Special Court. Imagine the number of innocent lives that could have been protected and saved in the beleaguered city of Monrovia, next door to Sierra Leone, a few months ago if the Economic Community of West African States (ECOWAS) had had the capacity to respond rapidly — and I emphasize the word rapidly — to the serious humanitarian crisis that was evolving in that city. By capacity we mean not just the humanitarian or physical or monetary capacity, but also the moral and political capacity to avert humanitarian crises and protect innocent civilians.

It may be recalled that it was not until August 2000, and long after the rebels had begun their heinous crimes, that the Security Council, in resolution 1313 (2000), authorized the United Nations Mission in Sierra Leone (UNAMSIL) "within its capabilities and areas of deployment, to afford protection to civilians under threat of imminent physical violence". The dilemma was that while it was the responsibility of the Government to afford protection to its citizens, its

capabilities for doing so throughout the country were limited.

What inference do we draw from this in trying to develop the so-called culture of protection? We realize that those who are called upon or deployed to provide protection to civilians are themselves becoming targets of armed attacks. That is a challenge the Security Council must meet as part of its responsibility in developing the culture of protection.

The second element I would like to emphasize is this. We can establish legal instruments, develop appropriate guidelines and principles and establish special courts and tribunals. We can also continue to take concrete measures to separate civilians and armed elements in conflict situations and then give special attention to the specific needs of vulnerable populations such as women, the aged and children. We can facilitate the stabilization and rehabilitation of communities through disarmament, demobilization and resettlement programmes. All this can be done in the context of protection of civilians in armed conflict. Those are all laudable measures, and no one should underestimate them. However, we must admit that all those actions are essentially reactive. They have been devised in response to conflicts.

In the view of my delegation the most effective and lasting means of protection that States and the international community can afford to civilians lies in the prevention of armed conflict. A culture of protection is inextricably linked with a culture of prevention. This morning we heard representatives from Guinea, Chile, China, Angola, Cameroon and Pakistan all make references to the idea of prevention of conflicts.

In this regard, we recall the various recommendations of the Secretary-General for conflict prevention, including the 10 principles that he suggests should guide the Organization's approach to conflict prevention. We also recall the latest comprehensive General Assembly resolution on the prevention of armed conflict, resolution 57/337 of 3 July 2003. We therefore call on the Security Council to take those recommendations into account in its review and consideration of future activities pertaining to the protection of civilians in armed conflict.

Given the international dimension of most armed conflicts in the world today, and realizing the complex and deep-rooted causes of those conflicts, we believe

that the Security Council should assume a greater role in the peaceful settlement of disputes. As a result, it would be averting war, as well as the humanitarian consequences of armed conflict.

Mr. Aboul Gheit (Egypt) (*spoke in Arabic*): Undoubtedly the Security Council's continued consideration of the issue of providing protection to civilians in armed conflict is a reflection of the recognition by the United Nations that the performance of the international community in that regard still needs further commitment, will and diligent collective work.

The Egyptian delegation would like to single out certain elements that we believe are important aspects of the issue under consideration today.

First, in the past few years and in a number of resolutions and presidential statements, the Security Council has been able to determine the elements and requirements for dealing with this issue in light of the provisions of international law, international humanitarian law and the principles of the United Nations Charter. However, we find hotbeds of armed conflict in the world today that give rise to alarming reports of an increase in violations and crimes against unarmed civilians, increasing numbers of victims and displaced persons, acts of destruction and the plundering of natural resources and cultural artifacts and heritage. All that reflects the continued inability of the international community to firmly and effectively stand against such violations, which are prohibited by international humanitarian law.

Indications and statistics of civilian victims on both the Palestinian and the Israeli sides, the number of houses that have been demolished, the lands that have been bulldozed in the occupied Palestinian territories and in many parts of Africa comprise irrefutable proof of that inability on the part of the international community.

We therefore believe that the most serious lack facing the world today is the lack of the collective international will that is supposed to be demonstrated by the United Nations in dealing with areas where there is the most suffering due to armed conflicts and their consequences for the lives and futures of all types of civilians.

Secondly, in spite of the importance of recognizing that there have been important

developments in expanding the mandate of United Nations peacekeeping operations to cover broader issues, including protecting civilians in armed conflicts and securing unhindered access by humanitarian assistance to them, we must also recognize that the training and deploying of the personnel in those operations are always done in accordance with the rhythm and commitment of each individual situation and in accordance with a very complex equation based on elements that can be attributed to intertwined political, security and economic interests.

In most cases, Security Council intervention to protect civilians in remote areas or to assist them in overcoming their particular dilemmas or crises comes too late or else is not commensurate with the security and emergency humanitarian assistance needs of the civilians in those areas. Perhaps the serious humanitarian situations that we witness daily in the international media and that are reflected in the reports of United Nations agencies and bodies — in the occupied Palestinian territories, Somalia, Burundi, Guinea-Bissau and other countries — are all examples of the imbalance in the international community's vision of dealing with threats to international peace and security, on the one hand, and the concept of providing protection to civilians living under foreign occupation or in armed conflicts, on the other.

Thirdly, it is necessary to understand that the concept of providing protection to civilians in armed conflict should not stop with the end of military operations. The comprehensive concept of such protection should extend into post-conflict peace-building, which should include the humanitarian, social and development dimensions that are linked to rehabilitation and reconstruction. The legacy of armed conflicts in terms of their destruction of the social and economic infrastructure of their societies represents the most serious threat to the lives and future of civilians. Peace, in its security and political dimensions, will remain fragile and vulnerable if not complemented by focused and comprehensive development programmes and plans.

Fourthly, and finally, focusing on providing protection to civilians in armed conflict should not compromise the cornerstones of the Charter of the United Nations, represented by the principles of political independence and sovereignty of regional States and their responsibility for their citizens and their jurisdiction over their own territories. It is

absolutely necessary to balance the right of civilians to protection with the right of each State to sovereignty. The international community's treatment of and respect for one of those rights should not be at the expense of the other. In that regard, in dealing with the issue of protecting civilians in armed conflict, the international community should be committed to and guided by the provisions of the Charter of the United Nations and those of international law.

Mr. Giraldo (Colombia) (*spoke in Spanish*): Allow me to begin by congratulating you, Mr. President, on taking over the Presidency of the Security Council this month. I would also like to thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, for the outstanding presentation he has given us on the topic we are discussing at today's Council meeting.

A year ago, in her statement to the Council, the Minister for Foreign Affairs of Colombia highlighted the worsening situation of armed conflicts, in which 90 per cent of the victims are civilians, along with terrorism and the ensuing humanitarian tragedies such as those we witnessed in Rwanda and Srebrenica, demonstrate that contemporary conflicts deliberately target unarmed civilians. She also decried, in parallel with the Secretary-General's report at that time, the illegal financing of conflicts and terrorism by means of trade in illicit drugs, kidnapping and extortion — criminal activities that target helpless civilians. That is why, in supporting the inclusion in the aide-memoire on the protection of civilians in armed conflict of a chapter on the illicit exploitation and trade in natural resources, we wish to state our conviction that any consideration of that topic must include due consideration of criminal activities such as trade in illicit drugs, kidnapping and extortion.

Colombia supports those ideas because they reflect elements that underpin the democratic security policy promoted by President Alvaro Uribe Vélez since August 2002. That policy is not designed to give more power to the State for its own sake, but to prepare the State to better protect the civilian population in all areas and, most especially, from the dangers inherent in armed conflict, and in order to secure the rights and freedoms of all its citizens throughout the national territory. That policy seeks to restore the rule of law and the capacity to deter violent agents by strengthening the legitimate armed forces of the State. That policy maintains an open door to political

negotiation with illegal armed groups, as long as they suspend hostilities and respect the ceasefire.

During President Uribe's first year in office, the democratic security policy that has been applied to uproot terrorism is now producing its first results, and I should like to cite just a few figures. There is now a police presence in every municipality of the country, including 170 where there were no police before. The homicide rate has dropped 22 per cent; massacres by 35 per cent; kidnapping 34.7 per cent; illegal roadblocks by 49 per cent; and the number of internally displaced persons has diminished by 66 per cent. All of that has been achieved while respecting the law, which is evidenced by the fact that the only complaints of human rights violations are as a result of individual initiatives on the part of some agents of the State — whose cases are being investigated and prosecuted, as necessary — have dropped by 95 per cent. Those meaningful advances in the protection of our citizens have elicited the support of the Colombian people, which is supporting the Government and actively cooperating with the authorities in restoring the rule of law and in isolating violent agents.

If we are to continue our efforts to overcome terrorism in strict respect for the law, however, we need greater powers in keeping with the law. Currently, the Government is seeking a constitutional amendment to enable the public forces, in cases of terrorism, to bring specialized staff to bear in order to arrest, search and intercept suspects. Those measures are to contain democratic safeguards, such as the necessary intervention of an independent prosecutor in the hours following such action, and with the proviso that the Attorney-General's office be informed, as well as the Congress — which is important for political control of operations. The powers proposed are much less extensive than those currently found in the democracies of developed countries that are not confronting a domestic conflict or terrorist threat of the magnitude Colombia faces.

Finally, the democratic security policy has filled in certain administrative gaps, making it possible to disarm and demobilize 1,000 members of illegal armed groups. Presently there is a law before the Congress to make that process viable on the basis of justice, reparation and reconciliation. The reintegration of those former combatants in civilian life will require additional efforts and the support of the national and international community.

A chapter of the aide-memoire that requires special attention and care concerns humanitarian assistance and the access of humanitarian organizations to the victims of conflict and the vulnerable population.

We believe that it is fundamental for the dialogue between the receptor State and the international community to be based on General Assembly resolution 46/182, which recognizes the basic principles of neutrality and impartiality in the provision of humanitarian assistance, as well as the requirement of consent from the receiving State for the provision of such assistance. As it is incumbent upon the receiving State to guarantee the security of humanitarian staff, humanitarian organizations must be subject to restricted access in zones of conflict where the security of the humanitarian staff cannot be reasonably assured.

To initiate unauthorized dialogues with illegal armed groups in order to obtain access implies a twofold risk. On the one hand, it endangers the security of humanitarian personnel since many of these armed groups do not respect international humanitarian law, and there is also the risk of engaging in political negotiations, which is the prerogative of the Government and which is not consonant with the basic principles of neutrality, impartiality and transparency for humanitarian work. In addition, this places on an equal footing authorities arising from a democratic decision with illegal armed organizations that flaunt their rifles as a token of their claimed rights. These are organizations that can violate their undertakings with impunity and which, at least in my country, have demonstrated that they do not respect the immunities that treaties and civilized actors grant to the personnel and property of the United Nations.

We welcome any path that leads to lessening the suffering of the civilian population within armed conflict. But the optimum, the irreplaceable, the definitive way of protecting the entire population is just to put an end to these conflicts. I know this is a truism, but it is sometimes forgotten, and it is our duty to promote, demand and support any procedure that will lead to the end of these conflicts.

In the case of democracy in Colombia, it is also necessary to support policies that seek to strengthen institutional mechanisms, and to start by giving the armed forces that serve and uphold law and justice sufficient capacity, acting as they do within the universal principles of respect of human rights and rule

of national law. If they are not so trained and empowered, conflicts provoked by illegal armed actors will drag on and on, will worsen, will deteriorate, will mutate, will turn against civilians, will resort to savage terrorism, and will fund it by exploiting illicit resources, and, losing sight of their political dimension, become a criminal lifestyle based on illegal and abundant resources. These are precisely the elements, in illegal armed groups, that make them degenerate into tools of death against women, children and helpless, peaceful civilians.

Allow me to conclude by emphasizing that, when confronted with violence and terrorism, as the Charter says, we must "reaffirm faith in fundamental human rights, in the dignity and worth of the human person ...". The United Nations must preserve the dignity of each and everyone, the right to life and the right to live without fear. These are universal public goods, which, as our Minister for Foreign Affairs said a year ago in this room, can only be preserved by the community and with the collaboration of all its members. This is the domain of our shared responsibility.

Mr. Kim Sam-Hoon (Republic of Korea): I would like to express my delegation's appreciation to you for convening this open meeting of the Security Council on such an important issue. From the increasing wave of civil conflicts in the 1990s to the critical surge of terrorism today, we are living in an age in which the protection of civilians has moved to the top of the security agenda. It is therefore most appropriate that the Security Council periodically takes up this item.

The delegation of the Republic of Korea cannot but begin by paying tribute to the United Nations staff and international humanitarian personnel who have worked tirelessly to alleviate the sufferings of civilian populations in armed conflict. This year has proved to be a particularly tragic one. In Afghanistan and Iraq, many of them paid the ultimate sacrifice with their lives. The brutal attack perpetrated on United Nations headquarters in Baghdad on 19 August 2003 shocked the international community. And just last week, four Korean workers were senselessly attacked in Northern Iraq — two of them died — during their mission to repair electric transmission towers. We strongly condemn these horrendous acts of terror against civilians.

The civilian or non-combatant casualties in armed conflict have dramatically increased in recent decades, particularly due to the changing nature of conflicts from inter-State to intrastate wars fought more often by militias and armed groups than by national armies. The statistics depict a grim picture. In the Democratic Republic of the Congo, over 3 million deaths have been recorded. Over the past year alone, the displacement of persons in Uganda has increased from 600,000 to 1.3 million, and in Angola, more than a third of its population has been displaced in two decades of conflict. In the case of Afghanistan, a quarter of a century of strife has left millions in abject poverty.

Given its primary responsibility in maintaining international peace and security, the Security Council has a leading role to play in protecting civilians in conflicts. Alarmed by the deepening plight of civilians in armed conflicts, the Republic of Korea brought the matter to the Council's attention by conducting an open debate on "the protection of humanitarian assistance to refugees and others in conflict situations" during its presidency of the Security Council in May 1997. Since then we have been closely following the developments on this subject.

In our view, the adoption of Security Council resolutions 1265 (1999) and 1296 (2000) reaffirmed its commitment to protecting the civilian population in their greatest hour of need. While the Council has, inter alia, emphasized the need to protect civilians on a case-by-case basis, taking into account the particular circumstances, its aide-memoire of March 2002 has served as a practical guide to transforming what the Secretary-General has termed the "culture of protection", into a reality. We believe that the aide-memoire should be updated regularly to keep abreast with current developments.

The protection of civilians is a highly complex and intractable question, but is a matter of priority to the international community. We must ensure that humanitarian tragedies, such as in Rwanda and Srebrenica, never take place again. Given the lessons painfully learned, the United Nations has succeeded in its interventions in the Balkans, East Timor and Sierra Leone. But there is no time for complacency. We believe that the international community must play an important part in situations where sovereign States are unable or unwilling to protect their own people. In today's world of interdependence, catastrophic humanitarian conditions in failed States can spread far

beyond their borders. We are of the view that the Security Council bears significant responsibility and authority in dealing with massive humanitarian atrocities. As the sole international institution to authorize ultimate use of force by States, the Security Council must not be discouraged from using all persuasive and coercive instruments at its disposal.

We are encouraged by the visits of the Security Council missions to areas of conflict where the civilian sectors have suffered enormously in the cycle of conflict. The firsthand information gained by the missions can significantly contribute to developing a more effective framework for civilian protection. In this regard, the Security Council missions to Central Africa, West Africa and Afghanistan were welcome developments.

We also view ending the culture of impunity to be vital to assuring the safety of civilians. The establishment of the International Criminal Court, as well as the ad hoc international criminal tribunals for the former Yugoslavia, Rwanda and Sierra Leone, has constituted a crucial step forward in affirming the principle of accountability. In this regard, we also note that the breakdown of law and order contributes to an atmosphere of despair and desperation that easily becomes a breeding ground for terrorists.

We fully support the concerted endeavours of the United Nations and its partners to sustain international attention on this subject. We commend their initiatives, such as the holding of workshops to address the challenges from a regional perspective. Such forums have proved to be most useful in disseminating the aide-memoire framework and mainstreaming its provisions into national, regional and international decision-making processes.

Civilians in conflict and post-conflict areas must also be protected from exploitation and abuse by international workers and peacekeeping forces. The six core principles in the Plan of Action on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, adopted by the Inter-Agency Standing Committee in July 2002, have now been incorporated into the codes of conduct and staff rules applicable to United Nations civilian personnel. We are encouraged to note that peacekeeping missions such as the United Nations Mission in Sierra Leone and the United Nations Organization Mission in the Democratic

Republic of the Congo are also adopting them as their rules.

In deliberating on various aspects of this important subject, my delegation would like to underscore that the primary responsibility for the safety of civilians rests with the parties to a conflict, whether State or non-State actors. While international engagement can be instrumental, a peaceful outcome can only be realized if all concerned parties fully understand and uphold their obligations and commit themselves to renouncing violence against innocent people.

Finally, in light of the related issues also on the Council's agenda, including child soldiers and gender issues in conflict situations, we believe that the successful implementation of protection strategies hinges on the development of a comprehensive and integrated approach. As reflected in our deliberations, there has been much progress in recent years. Yet, more needs to be done. We can best measure the degree of our success by the lives of innocent people saved through judicious and decisive action. At the same time, in the longer term, we should continue our endeavours to promote a culture of protection by generating respect, tolerance and understanding among peoples.

The President (*spoke in French*): I now give the floor to the representative of Norway.

Mr. Strømme (Norway): I thank Under-Secretary-General Egeland for a very useful briefing this morning.

Civilians have become the principal victims of war, especially in internal armed conflicts. While armed conflicts have always put civilians at risk, now they are at the very centre of conflicts, as targets and as objects of abuse and exploitation. Our response to this development must be comprehensive and needs to involve many different actors. In order to respond effectively, there are a number of things that must be in place.

Protection of civilians must be made an overriding principle for international involvement in conflict areas. For the Security Council, this means that United Nations peacekeeping operations must be given strong mandates and adequate resources to protect civilians. The Security Council must systematically apply the resolutions that have already been adopted on

the protection of civilians when adopting new mandates and reviewing existing ones. The newly updated aide-memoire of the Office for the Coordination of Humanitarian Affairs and the road map are, indeed, very useful tools to this end. By building on these adopted texts, the Council can continue to spearhead the formulation of United Nations policy and inspire the comprehensive response from the United Nations system needed to provide efficient protection for civilians in armed conflict.

Respect for international humanitarian law must be reinforced as it is part of the bedrock of the international legal order. Governments cannot interpret these binding rules as relative norms that can be set aside as new patterns of conflict develop. International humanitarian law also applies in present-day conflicts.

We all know how media coverage affects our perception of humanitarian crises. Once international focus is turned away from a humanitarian crisis, the sense of urgency lessens and funding is less readily available. We must counteract this effect through responsible donorship. Humanitarian assistance should be based on needs, not on media coverage or other political priorities alone. Unfortunately, humanitarian aid has in many instances turned out to be a long-term challenge. In appreciation of this fact, the Norwegian Government continues to provide assistance to several areas that are no longer in the headlines. The notion of forgotten conflicts is an insult to those who are exposed to our neglect.

Access to internally displaced and other vulnerable populations continues to be a major problem. Humanitarian organizations are too often left alone to negotiate access with the authorities or armed groups that see humanitarian aid not as impartial emergency relief but as a strategic means to an end. The international community needs to use its influence to secure access for humanitarian aid behind the lines of fire. In extreme cases, United Nations-mandated troops may be required to create a secure environment.

Humanitarian actors must be allowed to carry out their work. My Government is outraged by the instances in which humanitarian actors have been deliberately targeted. We need to engage in a broad political dialogue in order to strengthen the legitimacy, integrity and security of humanitarian action.

Several questions need to be addressed: first, international agencies should take a closer look at how

they operate on the ground, in order to ensure legitimacy and local support. We must avoid a situation in which security arrangements for humanitarian personnel create a greater distance between aid workers and the local population.

Secondly, the international humanitarian dialogue must be revitalized and broadened. As donor Governments, we must be open to consultation and coordination that cut across traditional divisions. Major host countries of refugees, other countries in conflict-ridden regions and traditional and new donor countries alike should be more closely involved in cooperation on how to prevent humanitarian suffering and ensure access and opportunity to alleviate humanitarian suffering.

Thirdly, as part of this dialogue, we need a more thorough analysis and discussion of how humanitarian agencies and military or peacekeeping forces can best interact to increase security and access to vulnerable groups without compromising the humanitarian agencies.

Our inability to assist civilian victims of conflict represents a challenge to the legitimacy of all efforts to promote international peace and security. We are therefore encouraged by the Council's continued focus on these matters. We also appreciate the strengthened cooperation between the United Nations and other agencies. Norway has taken an interest in the issue of protection of civilians in armed conflict for quite some time. We shall continue to work actively to assist policy formulation in cooperation with the Office for the Coordination of Humanitarian Affairs and other interested Member States in the support group for the protection of civilians in armed conflict.

The President (*spoke in French*): I now call on the representative of Azerbaijan.

Mr. Amirbayov (Azerbaijan): I would like to congratulate Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, on his assumption of his important tasks and wish him every success in that responsible position. I would also like to join previous speakers in expressing our gratitude to the Bulgarian presidency of the Security Council for convening this meeting on an agenda item that is of particular interest to all Member States.

Previous discussions of the problem, which resulted in the adoption of the aide-memoire and the consequent review of its implementation, have underlined the importance of developing a comprehensive approach to the protection of civilians. One has to recognize that this set of principles has made it easier for us to further explore the United Nations capacity to safeguard civilians, who are the primary victims of violence during armed conflict.

We agree with the observations made earlier by several speakers that the primary concerns in situations of armed conflict arise from our limited capacity to ensure timely and immediate access and delivery of humanitarian assistance to civilian populations; address the emergency needs of refugees and internally displaced persons, including women and children; provide security for humanitarian personnel acting in the field; and in general guarantee that parties to a conflict comply with their obligations under international humanitarian law. Regrettably, those fundamental principles are not always respected in situations of armed conflict. We are still witnessing the fact that combatants in armed conflict often inflict irreparable damage on civilians.

We concur with the comments made earlier that we cannot wait for the resolution of armed conflicts in order to protect civilians and that we must act rapidly to prevent further violence. However, one also should not forget that the settlement of an armed conflict is the best option for ensuring that those who were targeted with systematic violence will not be physically abused again. Therefore, in our view, the issue of the protection of civilians is multidimensional in nature and must be considered in combination with all possible interlinkages to the processes of prevention and resolution of armed conflicts.

We believe that civilian populations in armed conflicts would be much better protected if the Security Council and its member States, displaying determination and consistency, were to ensure the appropriate reaction of the international community to civilian emergencies created as the result of hostilities and armed conflicts. It is with a certain degree of disappointment that we sometimes witness a lack of will on the part of the Council to ensure the implementation of the resolutions it has adopted on the settlement of some armed conflicts, as well as to deal on a case-by-case basis with the reality of those hostilities and their impact on civilian populations.

However, we are still optimistic and firmly believe that the Security Council has a key role to play in ensuring that civilians are duly protected and that the implementation of its resolutions on the settlement of certain armed conflicts, even if active combat activities have not been registered in recent years, is undertaken in a more vigorous and discernible manner. Here, I cannot but fully endorse the view expressed earlier by the Norwegian representative, who said that the notion of forgotten conflicts is an insult to those who are exposed to international neglect.

Another major preoccupation is linked to the magnitude and forms of violence committed against civilian populations in situations of armed conflict. We are concerned that such violent manifestations have drastically increased in recent years, whereas women and children constitute the most deliberately targeted victims.

While fully understanding the fact that the primary responsibility for the protection of civilians rests with the Governments concerned, we have to admit that, on territories which are outside the control of legitimate authorities, the States concerned are not the only ones that should be blamed for the impunity of and failure to prosecute those responsible for crimes against civilians committed on those territories. Despite the fact that some armed conflicts have been regionalized and even internationalized, we have to admit that some contemporary armed conflicts involve Member States that are keen to support illegally functioning non-State actors on the territory of other sovereign States, fuelling violence and hostilities on ethnic, religious and national grounds.

In this regard, the anxiety and apprehension of the affected country should be heard and duly considered by the Council's members. The input of those States that have been affected by armed conflicts, but that, at the same time, are not members of the Council, could contribute to identifying the elements that are peculiar to that very country and might not be noticed by the Council itself. Such an exchange of experience would serve the interests of all sides involved in shaping a better United Nations response on the protection of civilians in armed conflict.

As a country subjected to the aggression of a neighbouring State and concerned with the non-implementation of relevant Security Council resolutions related to that situation, Azerbaijan believes

that the revised version of the aide-memoire, which is aimed at bringing the culture of protection into reality, can prevail only if it takes due note of the lessons learned from all the armed conflicts of which the Security Council has been seized in its work.

The President (*spoke in French*): I call on the representative of Canada.

Mr. Laurin (Canada) (*spoke in French*): Canada welcomes this open debate on the protection of civilians in armed conflict. We thank the Under-Secretary-General for his impassioned statement and for the updated aide-memoire and the road map.

Mr. Egeland rightly focused on the need for more consistent and deliberate action. Indeed, if the Council is serious about protecting civilians, it must translate rhetorical commitments to international humanitarian law, human rights and refugee law into action at the country level. The Council must continue to be proactive in monitoring the implementation of its protection-related commitments in the countries under its consideration. It should draw on lessons and be prepared to rethink its strategic approaches when they are at cross-purposes with its responsibilities for protecting civilians. The Council should deliver.

Canada fully endorses the 10-point platform laid out by the Emergency Relief Coordinator and the use of the aide-memoire and the road map to buttress those efforts. Given the current international environment, those tools are essential in helping guide the efforts of the Council and other actors.

A good framework exists. Over the past four years, the Council has developed a comprehensive agenda to strengthen civilian protection. Resolutions 1265 (1999) and 1296 (2000) — along with those on conflict prevention, women, peace and security, children and armed conflict, the safety of humanitarian workers, impunity, and the exploitation of natural resources — lay out a clear set of mutually reinforcing Council commitments.

And yet, while the resolutions may provide a framework for Council action, they equally provide a benchmark for holding the Council accountable for inaction. Canada welcomes the inclusion of protection components in recent peace operations, including those in the Democratic Republic of the Congo and Côte d'Ivoire. We recall that, when peace operations are given such responsibilities, they must also be given

unambiguous mandates and adequate financial and human resources to facilitate civilian protection. For example, we also know that the effective presence of child-protection advisers in the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) has had a positive impact on the lives of children. We know from other peace operations that the inclusion of gender advisers is essential in order to adequately address the specific protection needs of women and girls.

The Council must continue to devote attention to civilian protection issues in its field missions, as was recently the case with the missions to Afghanistan and West Africa. As part of those missions, the Council should seek to meet directly and regularly with affected populations in order to better understand their perspective. Council missions are indispensable opportunities to urge parties to a conflict to permit safe and unimpeded access by aid workers to those in need, to ensure that there is no impunity for genocide, war crimes and crimes against humanity and to ensure that United Nations missions are vigilant in their efforts to protect civilians from gender-based violence and to implement strategies to meet the needs of displaced populations.

We applaud the Council's efforts to develop more-targeted sanctions regimes that, among other things, focus on arms embargoes, the seizure of assets, bans on travel and restricting the trade in certain commodities. For those efforts to produce results, the potential humanitarian impact of sanctions on civilian populations should be more clearly identified so that it can be minimized.

(*spoke in English*)

The Council has recognized that the illicit exploitation of natural resources perpetuates violent conflicts that undermine the safety and well-being of civilians. The recent report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo demonstrates once again the risks that natural resources can pose to sustainable peace. The Council must continue to undertake effective monitoring, including the use of panels of experts. It must also continue to encourage full participation in international mechanisms to address illicit exploitation, such as the Kimberly Process on conflict diamonds.

Finally, the Council's efforts to protect civilians must not simply be restorative, but preventative as well. In that respect, the Council should show greater willingness to draw on United Nations human rights mechanisms for early warning, promote preventative deployment and diplomatic initiatives and urge adherence to, and respect for, international legal instruments. It must also be vigilant. In the immediate post-conflict environment, even where a peace agreement exists, civilians may remain at risk.

To succeed, this initiative must be viewed as a shared commitment. It requires more than the Council. Let me affirm Canada's strong support for this agenda. We have been pleased to work with the Office for the Coordination of Humanitarian Affairs and others on a variety of related initiatives this past year, and we will continue to do so. But all Member States have a role to play. Regional organizations have a role to play. Non-governmental actors, including the private sector, have a role to play. Above all, parties to armed conflicts must take responsibility and must be held accountable for protecting war-affected populations. The International Criminal Court (ICC) is a key instrument in ensuring that accountability. We again urge the Council to do all it can to support the ICC in this vitally important work.

To the Secretariat and United Nations agencies I say: be bold. Previous resolutions have given you the authority to bring to the attention of Member States circumstances that demand their attention so that civilians may be protected. In your reporting, provide the Council and other appropriate bodies with concrete advice and recommendations based on monitoring of the situation so that they have guidance. Help the field use the road map that you have developed.

Let us be clear on the consequences of not fulfilling our objectives. The suffering of individual civilians caught up in various conflict zones will persist — whether those civilians are displaced, separated from their families, missing or exploited. The protection of civilians is not a North-South issue. It should not be marginalized because it is sensitive, or not implemented because of a lack of tools.

In closing, Canada joins other delegations in calling on the Council to adopt the revised aide-memoire and to endorse the road map as a complementary tool for effective follow-up on the protection of civilians agenda. We have a genuine

chance to ensure that civilian survival is higher than at any time in the past. We must seize the opportunity.

The President (*spoke in French*): We have heard the last speaker inscribed on my list.

I now give the floor to Mr. Egeland to respond to comments made during today's discussion.

Mr. Egeland (*spoke in French*): Allow me, first of all, to express my most sincere condolences to the Government and citizens of the Russian Federation for the fearsome suicide attack that occurred this morning in Moscow.

I would like to express my great gratitude to the members of the Security Council for their sustained interest in the protection of civilians in armed conflict. I am very encouraged by the ongoing interest demonstrated by the Council during this meeting. A number of members emphasized the central role played by the protection of civilians in the Council's activities, and we are extremely grateful. I am also very touched by the Council's unanimous support for the road map and the aide-memoire.

I note the concern expressed by the representative of France, as well as a number of other representatives. I share that concern about the politicization of humanitarian access. As many speakers have stated, access is essential in the protection of civilians.

(*spoke in Spanish*)

As this was my first opportunity to hear the opinions and ideas of the members of the Security Council, I am very grateful to the Council for the advice members have offered for my future work in turning principles into reality for vulnerable populations in areas of conflict on several continents. Allow me to comment on a few of the topics raised in this important debate.

The representatives of Spain, Chile and Mexico, among others, focused on the need to create a culture of protection and concrete mechanisms to protect women and children in particular. Those speakers underscored the seriousness of sexual violence against women and children. As I said in the briefing, that is one of our most urgent priorities. We require the Council's ongoing valuable support in that regard.

Mexico, as well as other members, also spoke of the need to consistently and comprehensively address disarmament, demobilization, reintegration and

repatriation or resettlement and the trafficking in small arms from a regional perspective. That is another important area in which we hope to work in close cooperation with the Security Council.

(spoke in English)

I am grateful to representatives who gave perspectives on advocacy in respect of access by and security of humanitarian workers. I wholeheartedly agree that that must be addressed far more systematically in all our operations. It is important that we convey the right message to all parties to a conflict and reinforce our impartiality and neutrality. I will be taking this forward with my colleagues within the Secretariat and in the humanitarian agencies. I've also taken note of your concern that we continue to develop across the United Nations system a clear, coordinated approach to the delivery of effective protection of civilians, as urged most recently by Canada, Norway and others. We also welcome the call for robust action at the national, regional and international levels against those who break the rules and attack humanitarian personnel.

My Office will also give more thought as to how we can respond to the suggestion made by the Permanent Representative of the United Kingdom and others about developing a framework that establishes indicators of compliance with international humanitarian refugee and human rights law. By the next report, I hope that we will be able to outline concrete elements of an information system to provide systematic reporting to the Council on the effectiveness of the current protection of civilians framework, both institutionally and in specific field situations.

We will further consider how to address to the next Secretary-General's report the suggestion by Pakistan for regular and specific information on the scale, the locations and allocated responsibilities in areas where protection of civilians is a major concern. I welcome the support that I heard for integrating protection of civilians into Security Council peacekeeping mandates. This makes an important difference to our work on the ground.

Finally, while the role of the United Nations is unquestionably important for the protection of civilians, I am grateful to the representative of China and others for reminding us that it is the Member States of the United Nations and the parties to conflicts that bear the primary responsibility. Many statements in the Council today have called for robust implementation and resourcing of measures to strengthen the protection of civilians on the ground by all parties to conflicts. With that in mind, I am extremely grateful to members of the Security Council for their solid support of the proposed 10-point platform for action that I outlined this morning. Your leadership on this is vital, and we look forward to close collaboration with you, as we work together to move forward with the protection of civilians agenda in very concrete ways.

The President *(spoke in French)*: I thank Mr. Egeland for his additional comments, which were very interesting.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 4.35 p.m.



Security Council

Distr.: General
11 December 2003

Original: English

Official communiqué of the 4878th (closed) meeting of the Security Council

**Held in private at Headquarters, New York, on Thursday,
11 December 2003, at 3.30 p.m.**

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 11 December 2003, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 4878th meeting in private with the troop-contributing countries to the United Nations Disengagement Observer Force (UNDOF).

"The Security Council and the troop-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Mr. Julian Harston, Director of the Asia and Middle East Division of the Department of Peacekeeping Operations.

"The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries."





Security Council

Fifty-eightth year

Provisional

4879th meeting

Friday, 12 December 2003, 10.30 a.m.

New York

<i>President:</i>	Mr. Tafrov	(Bulgaria)
<i>Members:</i>	Angola	Mr. Lucas
	Cameroon	Mr. Tidjani
	Chile	Mr. Muñoz
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Trautwein
	Guinea	Mr. Sow
	Mexico	Mr. Pujalte
	Pakistan	Mr. Akram
	Russian Federation	Mr. Gatilov
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Negroponte

Agenda

The situation in the Middle East, including the Palestinian question

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.



The meeting was called to order at 10.35 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Terje Roed-Larsen, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

It is so decided.

I invite Mr. Roed-Larsen to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Terje Roed-Larsen, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

Mr. Roed-Larsen: In the last two Secretariat briefings to the Security Council, we painted a bleak picture of the situation in the Middle East. A spate of violence in the summer and early autumn led to a stalemate in the peace process. Despite a lack of diplomatic progress, recent months have nonetheless been characterized by relative quiet on the ground — with no major terror attacks by Palestinians and a marked decline in Israeli military operations.

Once again, we have a narrow window of opportunity, one in which the parties need to take positive steps to truly put the peace process back on track. Each side has reiterated its commitment to the Quartet's road map, and now is the time for them to fulfil their road map obligations and take necessary, bold confidence-building measures to restore hope.

There are a number of factors behind the opening of this window. A new Palestinian government has taken office, led by a Prime Minister, Ahmed Qurei, who has a long history of negotiating with Israel. Since

assuming office last month, he has reiterated the Palestinian Authority's full commitment to the road map and expressed a strong willingness to resume talks with Israeli authorities. We will fully support his efforts to implement the road map. We will also fully expect him to take steps to deal with violent groups. Notably, Mr. Qurei has been a consistent and forceful critic of Palestinian terrorist attacks.

Israeli Prime Minister Sharon has also made clear his desire to meet his Palestinian counterpart and restart the peace process, based on the Quartet's road map, to which he has committed himself on several occasions. We expect that on issues such as the barrier, settlement expansion and military actions that affect Palestinian civilians, Prime Minister Sharon's Government will act in ways that support the peace process. We remain willing to provide the help Israel might need to fulfil its road map obligations.

We applaud the Government of Egypt for its tireless efforts to secure a ceasefire by working with the Palestinian Authority and a variety of Palestinian groups. Though there has been no agreement reached as of yet, efforts continue and we hope they will soon lead to a full and lasting ceasefire between Israelis and Palestinians.

Two praiseworthy civil society initiatives are under way that reflect a strong desire by both peoples for a just, lasting and secure end to this conflict. The Geneva Accord and the Peoples' Voice initiative have been widely lauded. A recent Israeli poll indicates that 75 per cent of the Jewish Israeli population in Israel supports holding negotiations for peace with the Palestinians; 65 per cent support the establishment of a Palestinian State in the context of advanced negotiations; about 60 per cent agree with the evacuation of Gaza and remote and isolated West Bank settlements.

While civil initiatives cannot substitute for the officials of the parties negotiating, they are significant indications that Israelis and Palestinians can work together to constructively bridge their differences. These initiatives and the poll results also show what we can all feel on the ground — an intense weariness of the current tragic state of affairs and a desire for real change.

Finally, the Security Council's endorsement of the road map in resolution 1515 (2003) is an extremely

positive step that deepens the international community's support of the peace process.

While it is tempting to be optimistic given the factors I have outlined, the current situation remains very fragile. So, where might it lead?

There appear to be four main possibilities.

First, if real negotiations restart but fail to revive the peace process, the risks are grave. Hopes will be dashed, leaders on both sides will find it extremely difficult to re-engage, and we could recede further into the darkness. Such a lack of progress would only strengthen the enemies of peace.

Secondly, some Israelis have recently proposed a unilateral withdrawal from parts of the occupied Palestinian territory. The Israeli withdrawal from southern Lebanon has been cited by some as a precedent for unilateralism. I think it is timely to recall that that withdrawal was not unilateral: it was carried out under Security Council supervision and with intense support from the United Nations Secretariat negotiating with both parties over the course of several months to draw up the so-called Blue Line. In that process, Israel complied fully with relevant Security Council resolutions.

The lesson from the Lebanon withdrawal is that international support can effectively facilitate Middle East peace efforts. Any withdrawal from occupied land is praiseworthy, but a unilateral withdrawal would contain problematic elements. It might be perceived by some that only force, violence and terror can create change and that it is not necessary to arrive at a peaceful settlement through negotiations underpinned by international legitimacy. It might be perceived by others that a partial unilateral withdrawal, from only some of the occupied Palestinian territory, would be enough to settle the issue once and for all. But a just and lasting peace can best be achieved by both sides working out a resolution across a negotiating table with the active support and involvement of the international community.

Thirdly, an "absolutist approach" based on the aforementioned civil society initiatives advocates an immediate and comprehensive resolution of the conflict. While these initiatives show us where we must go, they are not inconsistent with the road map and lend vital hope and sustenance to peacemaking efforts. I believe that even their framers realize that quick

implementation is not possible, given the current political climate. In saying this, I am not at all dismissing the Geneva Accord or the Peoples' Voice principles. On the contrary, this sort of track-two activity gives vital reassurance that there may after all be a partner for peace on the other side.

That leaves us with the only viable route — a step-by-step approach assisted by bold confidence-building measures. In other words, bilateral negotiations based on the road map and facilitated by the international community. Under such an approach, Israelis and Palestinians need a determined and engaged international community, led by the Quartet, to help them return to the path to peace and, once there, stay on it. To that end, I met on Wednesday with my fellow Quartet envoys in Rome after an important high-level donor meeting. The Quartet will assist the nascent bilateral efforts currently under way and guide the parties in their implementation of the road map.

The issue today is how to spark the process. To do so, each of the parties will need to address the core concerns of the other side, which can roughly be defined as territory and terror. Israelis want an end to terrorism, leading to lasting and true security in a fully recognized State. Palestinians want to finally end the occupation with the confidence that they will have a truly viable and independent State. But to get on track, to fulfil these desires, both parties and the international community face fundamental dilemmas that must be overcome.

For Israelis, the closure system in the occupied Palestinian territory is a catch-22 situation that developed as a response to murderous terrorist attacks. They feel that if closures are eased, the potential for new terrorist attacks will rise. But if the closure persists, the living conditions and livelihood of the Palestinian population will only worsen. Israelis need to know that if they enter a process, they will find true security and recognition at the end and that they are not simply capitulating to the waves of terror attacks they have endured.

For Palestinians, this crisis is about more than the hardship they are enduring. Easing their plight is simply not enough. In their eyes, this crisis remains much more fundamental: it is a struggle for their identity and national aspirations. They need to know that if they enter a process, it has the end of the occupation and a viable, independent and sovereign

State as an end goal, and that they are not capitulating to the extremely damaging effects of Israeli security measures on their lives.

The donor community also faces a catch-22 situation: the more than \$1 billion they provide annually undoubtedly helps alleviate the suffering of the Palestinian people. However, in some eyes, this money helps subsidize an Israeli occupation that increases hardship for the average Palestinian. The donor community needs to know that, as they continue to provide such support, the parties will engage in a peace process that will pave the way to a full, just and lasting peace.

We can only proceed if these core issues and dilemmas are recognized and accepted as a reality by both parties and the international community. They must be addressed in parallel, not sequentially or with preconditions.

Since the last briefing to the Security Council, 27 people have lost their lives to the conflict — 24 Palestinians and 3 Israelis. It is a sign of the extent of the violence that has consumed Israelis and Palestinians that this death toll corresponds to a relatively quiet period.

For example, fortunately and due in part to attempts being thwarted by Israeli security forces, there has not been a completed suicide bombing since 4 October. Yet 24 Palestinians are dead, including six yesterday in Rafah in the Gaza Strip. As we have consistently stated in this forum, Israel's legitimate defence of its citizens must not contravene its duty as an occupying Power to protect the lives and safety of Palestinian civilians. Israeli military operations in populated areas too frequently result in the deaths and injury of non-combatant Palestinian men, women and children. I must stress that both parties must do everything possible to halt this senseless loss of life.

The bloody alternative to peace would only be more additions to the current overall death toll since September 2000, namely, 2,969 Palestinians and 863 Israelis. I hope we will soon be able to provide a briefing that does not need to update these numbers.

This week in Rome, the main donors that provide support to the Palestinian Authority met in the Ad Hoc Liaison Committee for the Coordination of International Assistance to Palestinians to review their assistance and consider the current situation. The

meeting, generously hosted by the Government of Italy and chaired by the Government of Norway, was attended by high-level Palestinian and Israeli delegations, including the Palestinian Ministers Sha'ath, Fayyad, Masri and Kassis and Israeli Foreign Minister Shalom. Their presence was the most powerful expression yet of the fact that both parties have a renewed desire to engage.

At the meeting, the donors discussed the extent of the economic and humanitarian crisis that they are continuing to help alleviate. I would like to update you on some of the key indicators. Between 2000 and 2002, Palestinian economic losses amounted to an estimated \$5.4 billion, the equivalent of one year's worth of total income for the Palestinian economy. Real gross domestic product declined some 33 per cent between 1999 and 2002. Total investment fell from \$1.45 billion to \$150 million in the same period. Approximately 2.5 million Palestinians are under the poverty line, or about 60 per cent of the total population. Most Palestinians receive some form of assistance, with approximately 40 per cent of the population food insecure. Unemployment runs at about 30 per cent and some half the population cannot access their usual health services.

The donor meeting produced new proposals for assisting the Palestinian Authority and the Palestinian people. This includes a possible new performance-based trust fund to help alleviate the estimated \$650 million shortfall in the Palestinian Authority budget and a proposed new tripartite framework for the donors, the Palestinian Authority and the Government of Israel to work together in a true spirit of cooperation. Plans for a meeting on Monday within the new tripartite framework have been confirmed. The donors reiterated their commitment to helping the Palestinian people, but they also voiced serious concerns.

The humanitarian crisis has forced donors to redirect funding from development to emergency relief. This in turn is often hampered by Israeli security actions, leading to increased frustration among many donors and aid agencies. Many donors will require a renewed peace process in order to sustain their levels of support.

These humanitarian and other concerns are exacerbated by the continuing construction of the barrier in the West Bank. The Secretariat has regularly

briefed the Security Council on the barrier, pointing out that its construction on Palestinian land and its planned route makes the establishment of a contiguous, viable and sovereign Palestinian State more difficult and increases the suffering of the Palestinian people.

The Secretary-General recently submitted to the General Assembly a report on the barrier (A/ES-10/248) requested by resolution ES-10/13 of 21 October 2003. In that report he said:

"In the midst of the road map process, when each party should be making good-faith confidence-building gestures, the Barrier's construction in the West Bank cannot, in this regard, be seen as anything but a deeply counterproductive act" (para. 29).

He concluded that due to its continued building of the barrier, Israel is not in compliance with the General Assembly's demand that it halt and reverse construction.

The uneasy calm that has prevailed along the Blue Line since the last briefing to the Council was broken on 9 December, when two Lebanese persons armed with hunting rifles were killed by the Israeli Defence Force after they crossed into the Israeli side of the Blue Line, according to preliminary reports by the United Nations Interim Force in Lebanon. Despite that sad and unfortunate incident and although tensions remain high, developments on the ground suggest that the parties are exercising some restraint. Although Israeli over-flights continue, they have been dramatically reduced in frequency. Also, since the last briefing, Israeli jets violated the Blue Line twice. There were no reports of anti-aircraft fire from the Lebanese side of the Blue Line on either of those occasions. We are hopeful that that relative but uneasy calm reflects a renewed willingness by the parties to avoid escalatory actions. Nonetheless, as the incident of 9 December shows, the potential for such escalation remains high. It is, therefore, of great importance that all parties continue to exercise restraint and refrain from any and all violations of the Blue Line.

Also in the region, President Bashar Al-Assad gave a newspaper interview, in which he called on the United States to revive peace talks between his country and Israel. That was a timely reminder that the objective towards which we are working must be a just, lasting and comprehensive peace, and that we cannot afford to neglect any of the tracks of the peace process.

In the last briefing to the Council, Under-Secretary-General Prendergast characterized the period under review as a lost month in Middle East peacemaking. During the current reporting period an opportunity to make progress has arisen. I fervently hope that the leaders of the two sides will avail themselves of that chance; and I hope that the international community will help them take up that opportunity. In recent years we have seen too many missed chances and squandered opportunities for peace. It would be a pity if in the next briefing, the first of 2004, the Secretariat had cause to cite another lost month. The cost could be devastating. The current hopes for peace among the peoples could be replaced by the creeping paralysis of a hopeless outlook, by a greater hardening of positions and by a deepening of the spiral of violence.

In this situation, time is not the ally of peace. Waiting merely prolongs the suffering. I hope that the parties will recognize the urgent need of bold action and begin immediately to implement effectively the Quartet's road map. I would be delighted if, in its first briefing of the new year to the Security Council, the Secretariat would be able to report that the parties were firmly on the path to a just, lasting and comprehensive settlement of this long and painful conflict, based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003).

The President (*spoke in French*): I thank Mr. Roed-Larsen for his comprehensive briefing.

In accordance with the understanding reached in the course of the Council's prior consultations, I now invite the members of the Council to continue our discussion of this matter in informal consultations.

The meeting rose at 11.05 a.m.



Security Council

Fifty-eighth year

Provisional

4880th meeting

Friday, 12 December 2003, 1.35 p.m.

New York

<i>President:</i>	Mr. Tafrov	(Bulgaria)
<i>Members:</i>	Angola	Mr. Lucas
	Cameroon	Mr. Tidjani
	Chile	Mr. Andereya Latorre
	China	Mr. Cheng Jingye
	France	Mr. Floreani
	Germany	Mr. Gansen
	Guinea	Mr. Boubacar Diallo
	Mexico	Mrs. Arce de Jeannet
	Pakistan	Mr. Khalid
	Russian Federation	Mr. Gatilov
	Spain	Mr. Fernández Trigo
	Syrian Arab Republic	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland	Ms. Broughton
	United States of America	Mr. Rosenblatt

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.



The meeting was called to order at 1.35 p.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

The President (*spoke in French*): I should like to inform the Council that I have received a letter from the representative of Serbia and Montenegro in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Šahović (Serbia and Montenegro) took a seat at the Council table.

The President (*spoke in French*): The Security Council will now continue its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council welcomes the launching of a review mechanism, under the auspices of the Special Representative of the Secretary-General, as presented on 5 November 2003 in Priština and Belgrade, on the initiative of the Contact Group (France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, with representatives from the European Union), giving new momentum to the implementation of the 'standards before status' policy that was designed for Kosovo (Serbia and Montenegro), and endorsed by this Council in application of its resolution 1244 (1999).

"The Security Council recalls the eight standards, namely: functioning democratic

institutions; rule of law; freedom of movement; returns and reintegration; economy; property rights; dialogue with Belgrade; and the Kosovo Protection Corps. The Council in this respect urges the Provisional Institutions of Self-Government to participate fully and constructively in the working groups within the framework of the direct dialogue with Belgrade on practical issues of mutual interest, to demonstrate their commitment to the process.

"The Security Council supports the standards for Kosovo presented on 10 December 2003. The Council awaits an implementation plan, to be finalized by the Special Representative of the Secretary-General in his continuing consultation with the Provisional Institutions of Self-Government, and other relevant parties as appropriate, to be submitted to the Council. The plan should serve as a basis for the assessment of the Provisional Institutions of Self-Government's progress in meeting the standards.

"The Security Council takes note that the Special Representative of the Secretary-General, within his authority as set out in resolution 1244 (1999), *inter alia*, in the context of the review mechanism, will continue to consult closely with interested parties, in particular the Contact Group. The Council reaffirms its intention to continue to consider the regular reports of the Secretary-General, including an assessment from the Special Representative of the Secretary-General, as to the Provisional Institutions of Self-Government's progress towards meeting the standards. The Council takes note that the Contact Group intends to make a substantive contribution to the regular reviews and to submit its assessments to the Special Representative of the Secretary-General.

"The Security Council supports the prospect of a comprehensive review of the Provisional Institutions of Self-Government's progress in meeting the standards. The Council notes that, depending on progress made as assessed during the periodical review, a first opportunity for such a comprehensive review should occur around mid-2005.

"Reaffirming the standards before status policy, the Council stresses that further

advancement towards a process to determine the future status of Kosovo in accordance with resolution 1244 (1999) will depend on the positive outcome of this comprehensive review. The Council reiterates the primacy of the regulations promulgated by the Special Representative of the Secretary-General and subsidiary instruments as the law applicable in Kosovo.

"The Security Council reaffirms its full support to the Special Representative of the

Secretary-General, Mr. Holkeri and calls on the Provisional Institutions of Self-Government of Kosovo and all concerned to cooperate fully with him."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2003/26.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.40 p.m.



Security Council

Fifty-eighth year

*Provisional***4881**st meetingMonday, 15 December 2003, 10 a.m.
New York

<i>President:</i>	Mr. Tafrov	(Bulgaria)
<i>Members:</i>	Angola	Mr. Lucas
	Cameroon	Mr. Tidjani
	Chile	Mr. Muñoz
	China	Mr. Wang Guangya
	France	Mrs. D'Achon
	Germany	Mr. Pleuger
	Guinea	Mr. Sow
	Mexico	Mrs. Arce de Jeannet
	Pakistan	Mr. Khalid
	Russian Federation	Mr. Konuzin
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Ms. Davis
	United States of America	Mr. Negroponte

Agenda

Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council (S/1998/287)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.



The meeting was called to order at 10.21 a.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 31 March 1998 from the Charge d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council (S/1998/287)

The President (spoke in French): I should like to inform the Council that I have received letters from the representatives of Australia, Japan, New Zealand and Papua New Guinea, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite these representatives to participate in the discussion without the right to copy or assistance with the relevant provisions of the Charter and rule 17 of the Council's procedural rules of procedure.

There being no objection, it is so decided.

At the invitation of the President Mr. Ian Offenberg (New Zealand) took a seat at the Council table. The representatives of the above-mentioned countries took the seats reserved to them in accordance with the Council's Charter.

The President (spoke in French): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 19 of its procedural rules of procedure to Mr. Danilo Turk, Assistant Secretary-General for Political Affairs.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Council will hear a briefing by Mr. Danilo Turk, Assistant Secretary-General for Political Affairs, to whom I give the floor.

Mr. Turk: At the last briefing, on 8 August 2000, the Council was informed of the completion of stage II of weapons disposal in Bougainville. As a result, the Bougainville Revolutionary Army (BRA) and the Bougainville Resistance Force (BRF) put more than

1,000 pieces of weapons into 18 containers and 68 tanks, each secured by two locks, with one key held by the relevant commander and the other by the United Nations Political Office in Bougainville (UNPOB), pending a final decision on the final fate of these weapons. The achievement of this important benchmark allowed the national Government to start the constitutional amendments and the ongoing work on Peace-Building in Bougainville. This also enabled consultations among the parties on the making of a Bougainville constitution, the delegation of power, power and Timorans to the Bougainville Interim Executive Government, and other arrangements needed to be put in place prior to elections for a Bougainville autonomous government. The completion of stage II marked the parties' move to making a decision on the final fate of the captured weapons, that is, stage III of weapons disposal.

Today, we are happy to report progress in most of the disarmament areas, and I wish to update the Security Council on recent developments.

I would like to start with the constitutional efforts in the wake of quite harsh criticism of the draft issued by the Papua New Guinea Attorney-General. The Attorney-General finally presented in October his long-awaited comments to the national government on the second draft of the Bougainville constitution. Officials on the two sides are currently engaged in resolving their differences relating to consistency between the second draft of the Bougainville constitution and the Papua New Guinea constitution. On 3 December, the National Executive Council – the cabinet of the Papua New Guinea Government – reaffirmed its firm commitment to honour the letter and the spirit of the Bougainville Peace Agreement and to implement the corresponding deal. It is expected that in the very near future the Papua New Guinea Government will provide to the Bougainvillean leaders its comments on the second draft of the constitution.

After addressing the remaining constitutional differences, the way will be cleared for the Bougainvilleans to pursue the task of developing the third and final draft of the constitution. It is expected that the Bougainville constitution could be officially adopted around February or March 2004 and endorsed by the national Government by July or August 2004. Immediately after that, the constitution would come into force. Following the Government's endorsement of

the constitution, it is estimated that six months would be needed to complete preparations for elections.

I would like now to move to the question of weapons disposal and report on the joint position on stage III of weapons disposal by the Bougainville Revolutionary Army and the Bougainville Resistance Force.

At their inter-factional meeting held on 30 November 2003 at Nissan Island in Bougainville, the Bougainville Revolutionary Army and the Bougainville Resistance Force adopted a resolution which declared that the final fate of the contained weapons should be their destruction. According to that resolution, the destruction should take place "as soon as the essential components of the peace process have been finalized". The components or conditions include the coming into force of the Bougainville constitution, the resolution of outstanding issues with the Me'ekamui Defence Force (MDF) and reconciliation between MDF, and BRA and BRF, the two Bougainvillean armed factions. The achievement by BRA and BRF of a unified position on weapons destruction bodes well for the next meeting of the Peace Process Consultative Committee, on 16 and 17 December 2003. At that meeting, the Papua New Guinea Government and the Bougainville leaders are expected to meet or modify some of the conditions enunciated by the Bougainville factions, thereby facilitating the adoption of the stage III decision on the final fate of the weapons.

In accordance with the Peace Agreement, a decision on the final fate of the contained weapons — as I said, about 1,900 pieces of weapons — should be made before 21 December 2003. Since the national Government favours destruction, it is not expected that there would be disagreement on points of substance. Where implementation of the eventual decision is concerned, UNPOB has prepared, for the benefit of the parties, a statement of the administrative and technical issues that need to be addressed before that process of destruction can begin. Those factors are expected to have an impact on the timing and implementation of the decision.

Nevertheless, despite the need for consultations on this matter among all the parties, the way is now cleared for those individuals, or entire districts, that wish to do so, to begin destroying weapons at their discretion. However, the destruction of the bulk of the contained weapons seems unlikely to take place until

next year. In that connection, the United Nations Political Office is grateful for the offers of technical support pledged by regional partners for facilitating the destruction process. The BRA/BRF weapons-related decision is an important first step in the process of creating a weapons-free Bougainville, and in fostering the kind of climate which the Peace Agreement contemplates for the holding of elections.

I would like now to brief the Council on the issue of delegation of police powers. The process of creating the climate which is necessary for the holding of elections is reinforced by police-related developments which will enable Bougainvilleans to take legal control over law and justice. The National Executive Council decided to delegate police powers and functions to the Bougainville Interim Provincial Government. The formal handover ceremony is expected to take place in Buka in the coming days: on 16 or 17 December 2003. Meanwhile, arrangements are being finalized for further strengthening the law and justice capacity of Bougainville through the deployment of 30 Bougainvillean police from the mainland and the recruitment among Bougainvilleans of the first 50 of 100 cadets for police training.

I would like to say a few words about the so-called "no go zone". While some progress has been achieved in the area controlled by Francis Ona, he continues to refuse to contain the weapons of the Me'ekamui Defence Force. His position on this issue could have an impact on the pace and timing of the implementation of the BRA/BRF decision to destroy their weapons. The supporters of Francis Ona still maintain roadblocks that prevent the delivery of Government services and development assistance to the so-called no-go zone. We believe that the Bougainvilleans will be able to reconcile their differences on this matter. It is a process that will take some time. Meanwhile, the United Nations should stand ready to provide its good offices with respect to the initiatives in this area.

Now I would like to briefly refer to the outstanding issues of the peace process. The expected decision on the final fate of the contained weapons within the stage III framework should justify the termination of UNPOB's current mandate, which expires on 31 December 2003. Its termination would also comply with the Council's decision last year on the matter.

The United Nations Political Office in Bougainville (UNPOB) is mindful of the date set by the Council for its closure and withdrawal. However, by 31 December 2003, the peace process will not have reached its logical and complete conclusion, that is, the establishment of an autonomous government. That is why we share the view of the Papua New Guinea Government, as expressed in the letter of the Foreign Minister Rabbie Namaliu, dated 11 December 2003, addressed to the Secretary-General, and of the Bougainville parties in general, that a United Nations political presence in Bougainville is still required. At the same time, we are mindful of the need expressed by the Council to not keep the United Nations mandate in Bougainville open-ended and of the need to tie this mandate to specific benchmarks.

We fully appreciate the support of the Council for the Secretary-General's recommendations in the past to extend the Bougainville mandate without major staffing or budget modification. This time, we believe that the maturity of the peace process and the limited scope of the tasks that remain to be completed warrant a significant down-sizing of the United Nations office in Bougainville. We strongly believe that this could send a very potent message of encouragement to the parties and support for the Bougainvilleans to increasingly take over the handling of their own affairs.

Given the withdrawal by the end of the year of the Bougainville Transitional Team comprising personnel from Australia, New Zealand, Fiji and Vanuatu, a continued political presence by the United Nations would also contribute to building confidence among the parties in the peace process and consolidating the considerable investment that the Organization and the international community have made to the process. It would give the autonomous government that will be established a fair chance of starting out in an environment that provides a reasonable prospect for the continued strengthening of peace, security and stability on the island.

On this basis, we are proposing a new mission. In light of the above, the Secretariat is of the view that a successor to UNPOB, a United Nations observer mission in Bougainville (UNOMB), should be set up in order to carry out the following functions: first, chairing of the Peace Process Consultative Committee; secondly, reporting on security and the subsequent destruction of the contained weapons; thirdly, monitoring the constitutional process leading to the

adoption of the Bougainville constitution; fourthly, verifying and certifying substantial compliance by the parties with the weapons disposal plan, thereby making it conducive to holding elections; and fifthly, performing other good offices as appropriate or when requested to do so by the parties.

Since the observer mission is expected to play a more limited role in the ongoing peace process, we suggest that UNPOB's substantive staff be reduced by 50 per cent. Currently, UNPOB comprises a head of mission, two political advisors, one military advisor and two support staff. The proposed downsized successor to UNPOB would comprise a head of mission, one political advisor and two support staff. The new staffing structure and modified mandate are expected to result in substantial savings.

In addition, the mission would continue to work in close cooperation with the United Nations Development Programme (UNDP) and other United Nations bodies on practical aspects of peace-building in Bougainville. However, it should preserve its independent status, since the mission's mandate would have a clearly defined political character. Meanwhile, the Department of Political Affairs has already started consultations with the UNDP office in Port Moresby regarding the sharing of office space in both Buka and Arawa. If successful, it could further reduce the operational cost of the new office. In parallel, UNDP is working on the second phase of its rehabilitation programme for Bougainville, which would include assistance in agriculture, capacity-building and other areas.

In conclusion, I would like to express our hope that the Council will support the recommendations of the Secretary-General regarding the establishment of UNOMB for a period of six months, starting on 1 January 2004. Should the Secretary-General's recommendations be endorsed, the Secretariat will continue to report to the Council on this matter in the first half of next year.

The President. I now give the floor to Council members.

Mr. Lucas (Angola). Mr. President, we thank you for convening this meeting on the situation in Bougainville. We extend our thanks to Assistant Secretary-General Danilo Türk for his briefing on the recent developments on the island. We share his analysis and conclusions.

We cannot but express satisfaction for the progress achieved in the peace process, the completion of stage II of the weapons disposal, the issuing of legislation enacted by the government and increasing cooperation between the authorities of Papua New Guinea and Bougainville leaders. Such a spirit of commitment and trust between the parties has been translated into consultations that the parties have maintained since February, after the signing of the memorandum of understanding establishing a mechanism for consultations on all aspects of the granting of Bougainville's autonomy.

We deem very encouraging the recent developments, namely, the agreements reached by the Interim Joint Supervisory Body on outstanding issues of the Bougainville peace agreement. We are aware of the importance of drafting the constitution for an autonomous Bougainville government in the framework of Papua New Guinea and other priorities set by the government in order to consolidate the gains obtained so far in Bougainville.

The completion of the weapons disposal process, the provision of security and maintenance of public order under the rule of law, the delegation of powers and functions to the authorities of Bougainville and the building of political and civil authority as foundations of peace are, in our view, some of the most critical elements for the implementation of the Bougainville peace agreement. The commitment of the parties to fully implement the provisions of the agreement and their awareness that it lays the achievement of peace in the hands of the men and women of Bougainville and of Papua New Guinea are sources of hope that a sustained peaceful solution to the Bougainville issue is possible.

My delegation appreciates very positively the work of the United Nations Political Office in Bougainville (UNPOB) in providing ongoing support to the peace process. Australia, New Zealand, Fiji and Vanuatu, by their participation in the Bougainville Transition Team, have also played an outstanding role in the stabilization of the situation. We welcome, therefore, the efforts by relevant United Nations agencies and the international community of donors towards restoring and consolidating peace in Bougainville.

To conclude, we would like to stress the view of the country's leadership on the important role UNPOB

is expected to play in the transitional period leading up to the holding of elections in Bougainville for the autonomous government of the island. My delegation supports the recommendation of the Secretary-General for the establishment of a new United Nations observer mission in Bougainville with a view to ensuring United Nations assistance and mediation until the conclusion of the peace process with the establishment of an autonomous government in Bougainville.

Mr. Negroponte (United States of America): I would first like to thank Assistant Secretary-General Türk for this timely briefing on the status of the political process and the work of the United Nations Political Office in Bougainville (UNPOB). We also appreciate the opportunity to hear the views of neighbouring States which have been uniquely involved in the stabilization of Bougainville. We support the recommendation that there should be a follow-on interim observer mission that will facilitate completion of the constitutional process and complete the destruction of weapons.

The United Nations political mission in Bougainville has been successful. An interim observer mission will provide the necessary transition that will foster increased security and further economic development. We appreciate the effort of regional players in assisting in the process of stabilization and thank Special Representative of the Secretary-General Noel Sinclair for his efforts to facilitate the constitutional process. We look forward to the results of this week's Peace Process Consultative Committee meeting and we hope that all parties can work to find resolution of their different positions.

Mr. Pfeuffer (Germany): First of all, I would like to thank Assistant Secretary-General Danilo Türk for his detailed and very comprehensive report. I would also like to highly commend the personnel of the United Nations Political Office (UNPOB) in Bougainville and its head, Mr. Noel Sinclair, for the outstanding work they have accomplished.

I would also like to congratulate the people of Papua New Guinea and Bougainville for the achievements reached thus far. The parties must be aware now that they are fully responsible for the process and thus have to increase their efforts in implementing the provisions of the peace Agreement.

The peace process, in our view, is now at a critical turning point. The mandate of the United

Nations Political Office in Bougainville and of its head, Ambassador Sinclair, will expire at the end of this year. The departure of UNPOB, in our opinion, is a logical next step on the way to a self-reliant Bougainville. It is time to further increase the ownership of the peace process by the people of Bougainville and Papua New Guinea and to move the focus from peace-building to post-conflict capacity-building, ensuring the rule of law and social and economic development.

Therefore, it is crucial that the remaining tasks of peace-building, in particular the constitutional process leading to the election of an autonomous Government of Bougainville and the destruction of all collected weapons, be completed without further delay. In that context, we warmly welcome the agreement in principle by former combatants to destroy their weapons. We deeply wish that the tenor of the agreement will be confirmed by the Peace Process Consultative Committee meeting this week. In our view, the weapons have to be destroyed immediately, without any further conditions.

As the Government of Papua New Guinea pointed out in its recent letter to the Secretary-General, the progress made in the last half of this year has been slower than expected. Therefore, tasks originally designated to be fulfilled by UNPOB still remain to be done. However, in our view this does not require the extension of the mandate in its current form for another year. We would rather welcome the presence of United Nations personnel on a smaller scale and for a shorter period of time. We therefore endorse and fully support the compromise recommended by Assistant Secretary-General Türk.

The peace process, we feel, is now largely self-sustaining. An interim observer mission comprising fewer United Nations personnel would be able to meet the remaining demands. The parties to the peace process have to understand that they have to move on expeditiously and finalize the peace-building process within the coming six months. Elections should follow on as soon as possible.

In conclusion, I would like to commend the United Nations specialized agencies and international donor support and to stress the important role they play in returning the region to normalcy and achieving sustainable peace there. In that context, I would like to reiterate that Germany will continue to contribute to

the further development of a functioning civil society in Bougainville within the framework of the European Union.

Mrs. D'Achon (France) (*spoke in French*): I, too, would like to thank Mr. Danilo Türk for his very comprehensive briefing. France welcomes the work done by the Special Representative of the Secretary-General in Bougainville, Ambassador Noel Sinclair. We also thank the countries that have contributed to the Bougainville Transitional Team.

Despite progress made in recent months, my country remains concerned by the delays in the disposal of weapons, the ratification of phase three of the peace plan and the establishment of an election date. As the Security Council noted in August, the mandate of the United Nations Political Office in Bougainville is to end at the end of this year. However, France is prepared to support one last — I insist on the word "last" — extension of the mandate of the Political Office in 2004, as requested by Papua New Guinea. We believe, however, that the Office cannot be extended for yet another year, because that would be a disservice to the people concerned and appear to endorse those who have caused the pointless and dangerous delay in finding a political solution.

The presence of the United Nations should therefore be limited to the first six months of 2004, as proposed by the Secretariat. It should also be confined to a limited number of observers, and a maximum of two persons would seem to be a reasonable figure. Moreover, the format and duration would seem to be sufficient in order to complete the settlement process. As has been recalled, the process includes the disposal of collected weapons, the holding of a constituent assembly, the adoption of a constitution, the preparation of elections and the create of an autonomous Government. In all of these areas, however, the future lies with the people of Bougainville themselves. It is up to them to take the necessary steps as soon as possible to normalize the political situation.

Finally, the final extension of the mandate of the United Nations Political Office in Bougainville must have a clear exit strategy, as the Ambassador of Germany pointed out. Once the mandate has been completed, I believe that the United Nations Development Programme will be able to make the best possible contribution to consolidating normalization,

and in particular to improving the functioning of the political administration of the island.

Mrs. Arce de Jeannet (Mexico) (*spoke in Spanish*): I wish first of all to thank Mr. Danilo Türk, Assistant Secretary-General for Political Affairs, for the information he has given us.

Mexico believes that the successful completion of disarmament and the adoption of a constitution are essential to consolidating peace and laying the foundations for the development and economic growth of Bougainville, particularly at a time when the international presence is being reduced and the people of the island are preparing to take charge of their own future. In that effort, the donor community has a fundamental role to play in supporting the establishment of sustainable economic and social conditions by channelling resources to infrastructure, education, health care and development projects, thus strengthening the peaceful transition towards a stable political future for the island.

I take this opportunity once again to express our gratitude for the work and support provided to Bougainville by Australia, New Zealand, Fiji and Vanuatu, first through the Peace Monitoring Group and later through the Bougainville Transitional Team, which has almost completed its work.

We note with satisfaction the measures being taken by the Government of Papua New Guinea, such as the delegation of powers to the Bougainville Interim Provincial Executive Council, including control of the police command in Bougainville, as well as the cooperation seen among some of the former combatants in the area of security, particularly in Buka and Arawa. Although security conditions have remained stable, there is a need to strengthen the disarmament, reintegration and rehabilitation programmes for former combatants, as well as the structural aspects of Bougainville's economic and social development, in order to avoid a resurgence of the conflict. We appeal to the Government of Papua New Guinea and the Bougainville authorities to report on advances in the implementation of those programmes, particularly concerning the final decision reached on the ultimate fate of the weapons collected during phase two of the weapons disposal programme.

We have also taken note of the progress made in drawing up a draft constitution for Bougainville, the third revision of which is now being prepared. As I

have already noted, Mexico believes that the successful conclusion of disarmament and the adoption of the constitution are fundamental elements in the strengthening of peace and in the laying of foundations for Bougainville's development and economic growth. In that connection, the support of the United Nations is necessary, especially with regard to the holding of elections and the establishment of an autonomous government and the strengthening of its institutions.

My Government has received the note regarding the request made by the Government of Papua New Guinea to the Secretary-General concerning the extension of UNPOB's mandate until elections are held on the establishment of a Bougainville autonomous government. We have also taken note of the Secretary-General's proposal to establish a United Nations observer mission in Bougainville with a six-month mandate beginning on 1 January 2004. Mexico will study the Secretary-General's proposal, bearing in mind any decision's financial implications for Member States and the best way that the United Nations can continue to support the strengthening of the political process in Bougainville. The delegation of Mexico will take a constructive approach in considering the draft resolution to be introduced in that regard.

Lastly, I would once again like to express Mexico's gratitude for the work of Ambassador Noel Sinclair and the staff of the United Nations Political Office in Bougainville. Their devotion has led to progress towards achieving a lasting solution to the conflict in Bougainville.

Mr. Atieh (Syrian Arab Republic) (*spoke in Arabic*): We would like to thank Mr. Danilo Türk, Assistant Secretary-General for Political Affairs, for his comprehensive briefing on the latest developments in Bougainville.

The Bougainville Peace Agreement aims at strengthening the foundations of a society enjoying genuine peace and the restoration of civil authority in the form of a democratically elected civilian Government. In that connection, we wish to make the following points regarding the peace process.

First, the programme to collect and dispose of arms must continue, especially given the progress made and the success attained during stage II. Secondly, former combatants must be reintegrated into civil society, and plans must be made to ensure security in that regard and security in general. Thirdly, there is a

need to resolve all pending issues and to integrate all factions and forces remaining outside the peace process. Fourthly, the new constitution is of central importance for the implementation of the Peace Agreement. We believe the second revised draft text is extremely important. Fifthly, there is a need for regional support for the peace process, in particular for the efforts made by the transition team in Bougainville in that regard.

Allow me to express our appreciation for the efforts of the Bougainville Interim Provincial Government to bring about peace and stability there. We also appreciate its support for all measures leading to the establishment of an autonomous government.

In conclusion, my delegation supports the Secretary-General's recommendation to establish a United Nations interim observer mission in Bougainville for a period of six months beginning in 2004. That would help to support the peace process entered into by the Bougainville Interim Provincial Government.

Mr. Sow (Guinea) (*spoke in French*): I would like to join previous speakers in thanking you, Mr. President, for organizing this public meeting, which, although it goes without saying, is a clear demonstration of the Security Council's interest in the issue of Bougainville. Allow me also to thank the Assistant Secretary-General for Political Affairs, Mr. Danilo Türk, for the very useful briefing he has just given us regarding recent developments in the implementation of the Bougainville Peace Agreement.

My delegation welcomes the progress made in the implementation of the weapons disposal programme despite delays in the initial timetable, particularly with regard to the destruction of collected weapons. My delegation also welcomes the transfer of police functions from the central authorities to the Bougainville Interim Provincial Government. That represents a first step towards autonomy for the province. We are particularly pleased to note that that progress has been made possible thanks both to the good will demonstrated by the parties and to the important role played by the United Nations Political Office in Bougainville.

However, we believe that it would be wise to emphasize the crucial importance of completing the weapons disposal plan through the implementation of stage III, which entails the destruction of those

weapons. I need not recall that that is the *sine qua non* condition for the holding of a referendum leading to the ultimate autonomy of the island. In that regard, we urge all parties to redouble their efforts to implement the Bougainville Peace Agreement. In particular, we have in mind former combatants, whose reintegration must be a priority in reaching a final and lasting settlement of the dispute.

In the same vein, we remain convinced that the economic recovery of the island can play a crucial role in building peace. We therefore reiterate our appeal to the donor community to mobilize an increased effort towards Bougainville's economic and social development.

In conclusion, my delegation supports the idea of extending the mandate of the United Nations Political Office in Bougainville, as requested by Papua New Guinea. We hope that the commendable efforts made by the parties will be translated into the speedy finalization of the peace process under way. In that regard, we agree with Mr. Danilo Türk's proposal. We congratulate him and encourage him in his work.

Mr. Arias (Spain) (*spoke in Spanish*): We are grateful for the introduction of the report of the Secretary-General. We also welcome the work done by the Head of the United Nations Political Office in Bougainville, Ambassador Noel Sinclair, and his team. I would also like to convey my appreciation to Mr. Danilo Türk.

The conclusion of stage II of the disarmament process has made it possible to make progress towards autonomy for Bougainville. We hope that the Peace Process Consultative Committee, which is meeting this week, will determine the modalities for the destruction of the weapons that have been surrendered, in accordance with the recent agreement among the parties, with which we are pleased.

The constitutional amendments and the Organic Law on Peace-building in Bougainville represent a milestone and lay the groundwork for the holding of elections for an autonomous government, in accordance with the autonomy arrangements. We hope that the Bougainville Constitutional Commission will soon complete its work, in order that the Constituent Assembly may soon be convened. The active cooperation of the countries of the region deserves our full appreciation and is a model to be emulated. We also recognize the ongoing commitment the national

Government has been demonstrating vis-à-vis the Peace Agreement, as well as the determination of the people of Bougainville to establish their institutions and take charge of their destiny.

Spain believes it is appropriate to extend the mission of the United Nations Political Office in Bougainville until next year, so that it will continue to provide assistance to conclude the matters pending under the Peace Agreement. As progress is made in the political process, emphasis needs to be placed on the rehabilitation and the reintegration of ex-combatants and on rebuilding the infrastructure and community services. The United Nations Development Programme will play a key role in that regard.

Finally, we trust that peace and stability will be consolidated in Bougainville in such a way that the peace process will be successfully concluded.

Mr. Khalid (Pakistan): I would like, first of all, to thank Mr. Danilo Türk for his comprehensive briefing. Pakistan appreciates the facilitating role the United Nations Political Office in Bougainville (UNPOB) has played over the past few years. We also commend the efforts of all the parties that have sought to implement a peaceful solution to the conflict in that territory. We appreciate in particular the Government of Papua New Guinea's courageous decisions and a strong commitment to peace. This has been crucial to the success of the peace process.

We are happy to note that UNPOB has largely been able to complete the tasks assigned to it. This has facilitated the constitutional process, clearing the way for elections for an autonomous Government in Bougainville in 2004. This will in turn lead to the eventual holding of a referendum in which the people of Bougainville will exercise their right to self-determination in accordance with the provisions of the Lincoln and Arawa Agreements. Pakistan strongly supports this path, which the parties have courageously agreed to follow. Peace is the only solution, and this process, painstaking though it is, still remains its best guarantor.

However, to sustain peace, it is crucial to promote and sustain socio-economic development. The two are indivisible. Therefore, we urge the donor community to contribute generously, not only to the financing of the peace process, but also to promoting long-term socio-economic development in an area that so badly needs it.

Pakistan has always argued against the premature withdrawal of the United Nations involvement in any peace process. We understand that UNPOB's mandate, which has played a crucial role in building peace as well as trust in Bougainville, will expire at the end of this month. However, there is much follow-up work that remains to sustain the peace process. This includes, among other things, tasks related to the destruction of weapons, the facilitation of contacts between the parties and the preparations for elections next year. We therefore hope that the United Nations political engagement in Bougainville will not end with the expiry of UNPOB's mandate. We support the possible creation of interim measures, which will allow the United Nations to continue its work there and to stay the course in facilitating the full implementation of the peace process.

Mr. Tidjani (Cameroon) (*spoke in French*): I wish to thank Assistant Secretary-General of Political Affairs, Mr. Danilo Türk, for his briefing, which has given us detailed and useful information for our understanding of the activities of the United Nations Political Office in Bougainville (UNPOB) since 6 August 2003. My delegation welcomes the progress made in the peace process, particularly in drafting a Constitution that will establish the rule of law and justice, the disposal of weapons that have been stockpiled or held by individuals, and the destruction of weapons.

This is a process that, my delegation believes, must take place as soon as possible and in an unconditional manner. This will certainly strengthen trust among the parties and will make it possible to speed up the settlement process and therefore restore stability and provide conditions for sustainable development that will benefit all.

At this stage, the success of this process clearly depends basically on the will and the commitment of the parties. More than ever, these parties need the international community's support, particularly of the United Nations. That is why my delegation supports the Secretary-General's recommendation to extend the mandate of the United Nations Political Office by six months — a political presence that will help the parties complete the current process in the best possible conditions.

As many delegations have said before me, I wish to state that the mandate of the Office should be

somewhat reviewed in the light of the information that Mr. Danilo Türk has just given us. I should furthermore like to encourage donors to continue providing manifold assistance to help consolidate peace in Bougainville. We wish to congratulate the countries of the region for their contribution in this area.

In conclusion, I wish to thank the head of the United Nations Political Office, Mr. Noel Sinclair, and all of the United Nations staff in Bougainville for the high quality of their work.

Mr. Wang Yingfan (China) (spoke in Chinese): First, I wish to thank the Assistant Secretary-General, Mr. Türk, for his detailed briefing on the latest developments in the peace process in Bougainville. Since the signing of the Bougainville peace agreement, the peace process in Bougainville is going smoothly. Recently, the various parties to the peace agreement have reached a preliminary agreement on the final fate of collected weapons. Consultations on the draft constitution are well under way. The new Bougainville government has also delegated its control of policing powers in Bougainville to the Bougainville local authorities.

All these positive developments are quite encouraging. China wishes to express its appreciation for the good political will demonstrated by the new Government of Papua New Guinea as well as the parties to the Bougainville peace process. We hope that the parties concerned will continue their efforts to achieve comprehensive implementation of the Peace Agreement and to achieve lasting peace under stability in Bougainville at an early date.

The United Nations has always followed closely and supported the peace process in Bougainville and has played a unique role. Ambassador Sinclair, as well as the United Nations Political Office in Bougainville (UNPOB), have done an excellent job and have won the trust and the respect of the parties to the Bougainville peace process. We wish to pay our tribute to those efforts. At present, the disposal of weapons and the drafting of the constitution have entered a critical stage and the various conditions for producing an autonomous government through elections are basically in place.

We understand the wish of the Government of Papua New Guinea that UNPOB continue to take part in the peace process in Bougainville. We believe that, under the current circumstances, there is still a need for

an appropriate United Nations presence in Bougainville, because it is of great importance for ensuring the success of the Bougainville peace process. Peace and development in Bougainville go hand in hand.

While promoting the political process in Bougainville, we also call upon the various United Nations agencies and donor countries to give consistent attention and support to post-conflict rehabilitation and reconstruction in Bougainville to help the local authorities of Bougainville strengthen their capacities for construction and to help ex-combatants start a new life as soon as possible.

Mr. Anderesa Laforte (Chile) (spoke in Spanish): Allow me, first of all, to congratulate you, Sir, on the way in which you are leading the Council's work this month. We particularly welcome the convening of this public meeting on the situation in Bougainville, given that it is very important to know the views of the countries of the region, which have demonstrated their commitment and cooperation in the peace process. I also thank Assistant Secretary-General Danilo Türk for his briefing on the developments in the peace process in the most recent period.

We welcome the common position reached among the parties for the destruction of arms and munitions under stage III of the weapons disposal programme. However, we understand that this depends on a number of conditions that are not directly addressed, among them, the entry-into-force of the Constitution, the settlement of outstanding issues, such as the Me'ekama Defence Force, and reconciliation among the various factions. That is why we look forward with great interest and hope to the upcoming meeting to be held between those groups of Bougainville and the Government of Papua New Guinea. We hope that they achieve the necessary agreements in the peace process.

We acknowledge that many challenges still lie ahead for Bougainville. Among them should be moved the important task of developing the proposed Constitution and, most especially, preparations for the elections. In that context, we recognize the central role of the United Nations Political Office in Bougainville (UNPOB) in resolving disputes and mediating our differences and changes in the holding of the elections.

As well, it is necessary to support the process of laying the basic foundations for establishing the autonomous government of Bougainville. That process

requires, among other things, the reforming and strengthening of the public sector, the mobilization of resources, the rebuilding of infrastructure, reconciliation and the reintegration of ex-combatants. We underline as well that in order for peace to be lasting, it is necessary to establish an efficient administration and a functioning economy. Therefore, the relevant bodies of the United Nations must closely coordinate efforts in Bougainville with the international donor community in order to establish and strengthen peace. We value the activities already initiated by the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF).

It is essential that the Political Office of the United Nations continue to be present after the imminent withdrawal of personnel from Australia, Fiji, New Zealand and Vanuatu, who are part of the transition team of Bougainville. We therefore support the extension of UNPOB's mandate at least until elections have been held and greater progress has been achieved in the other outstanding tasks. As well, we support the establishment of an observer mission of the United Nations to assist in completing the transition process and to follow on UNPOB when its mandate expires at the end of this year.

We value the growing collaboration between the authorities of Papua New Guinea and the leaders of Bougainville. We hope that spirit of mutual commitment and trust continues to develop.

Finally, we thank Ambassador Noel Sinclair and his team for their valuable work in Bougainville. Although much remains to be done, we are aware that their efforts have contributed to the search for the peace, security and stability of the people of Bougainville.

Mr. Kozulin (Russian Federation) *spoke in Russian*: The Russian delegation takes note of the progress made in the Bougainville settlement and supports efforts to implement the Bougainville peace agreement. We welcome the commitment to a political settlement by the Government of Papua New Guinea and the Bougainville communities.

We are pleased to note that the peace process has entered the constitutional phase as a result of the successful conclusion of the second stage of the weapons collection plan. We welcome the decision in principle of the parties of Bougainville to destroy the

collected weapons, and we call for the speedy implementation of that decision.

We commend the activities of the authorities of Papua New Guinea to implement the tasks of the peace agreement, including the efforts made, together with the Bougainville Constitutional Commission, to advance the constitutional process in Bougainville. Of great importance is the inclusion in the Constitution of Papua New Guinea of a new, 14th section on peace-building in Bougainville on the basis of the Bougainville peace agreement.

We welcome steps to strengthen the local police including by delegating to it substantial powers and functions.

We call upon all those who have refused to join the peace process in Bougainville to do so now. We commend the work done by the United Nations Political Office in Bougainville headed by Mr. Sinclair, in advancing the peace settlement. We take note of the usefulness of regional efforts, inter alia, those undertaken within the group established by Australia, New Zealand, Fiji and Vanuatu for the transition in Bougainville, which has been effectively facilitating the advancement of the peace process.

However, despite the positive steps we observe in the settlement in Bougainville, many tasks in the peace process remain unfulfilled. In order to carry them out, the further support of the international community will be required. In that regard, the Russian delegation favours the extension of the United Nations presence in Bougainville and is prepared to engage in a constructive discussion in the Security Council on concrete modalities for future United Nations efforts to advance the peace process there. We also think it is important to continue and to increase, with the support of the regional organizations, assistance from the United Nations Development Programme and other United Nations agencies to the processes of post-conflict rehabilitation and peace-building in Bougainville.

Ms. Davis (United Kingdom): We would also like to thank Assistant Secretary-General Türk for his briefing this morning. We also join others in expressing our appreciation for the work of the United Nations Political Office in Bougainville (UNPOB) and its director Noel Sinclair. We also recognize the valuable role in Bougainville of the neighbouring States.

We agree with Assistant Secretary-General Türk and others that there is still work to be done in advancing the peace process in Bougainville, particularly in the areas of weapons disposal, monitoring and building confidence in the new constitutional arrangements and facilitating moves towards elections. In the forthcoming period, we hope to see a greater sense of urgency from all parties to the Bougainville peace process in moving forward in those areas. We support the establishment of a small, closely-focused, short-term follow-on United Nations mission along the lines outlined this morning by Assistant Secretary-General Türk.

The President (*spoke in French*): I should now like to make a statement in my capacity as Permanent Representative of Bulgaria.

I wish to thank Mr. Türk for his briefing on the implementation of the Bougainville Peace Agreement and on the latest developments. Bulgaria warmly welcomes the resolve of the Papua New Guinea authorities, as well as the invaluable contribution made by the countries of the region, in particular by the States members of the Bougainville transitional team — Australia, New Zealand, Fiji and Vanuatu — to the implementation of the ceasefire and to ensuring the political stability of the country.

My delegation would like to express its gratitude for the important role of, and the efforts made by, the United Nations Political Office in Bougainville (UNPOB) and its Director, Ambassador Noel Sinclair, in ensuring progress in the implementation of the peace process.

Bulgaria welcomes the agreements reached at the recent meeting in Adelaide, Australia, between the foreign ministers of Australia and of Papua New Guinea. My country welcomes the efforts of the States involved in the peace process as well as the completion of stage III of the weapons-disposal plan of action. We believe that the decision on the fate of the weapons that have been collected must be acceptable to all parties to the peace process and should adequately respond to security-related problems and challenges.

My delegation believes also that peace-building efforts must continue without any hindrance from any party. There is also a need, in order to ensure a comprehensive reconciliation, to preserve the possibility of involving Francis Ona and his group in the peace process.

My delegation welcomes the concrete steps taken by the Government of Papua New Guinea in implementing the peace process, including the amendments to the country's Constitution and the efforts to consolidate peace in Bougainville. The changes that have been made will not only contribute to improving the economic and social situation of the inhabitants of Bougainville; they also mark a new stage in the relationship between the national Government and Bougainville.

We believe that, given the importance of the stage at which the Bougainville peace process is now, UNPOB's mandate should be extended by six months.

I now resume my functions as President of the Security Council.

The next speaker inscribed on my list is the representative of Papua New Guinea, to whom I give the floor.

Mr. Aisi (Papua New Guinea): I wish first to thank you, Mr. President, for having convened this meeting and for having allowed it to be an open meeting, thereby enabling others to express their views, particularly our friends from the region. I wish also to thank members for their comments this morning and Mr. Danilo Türk for his report.

Papua New Guinea expresses sincere appreciation and gratitude for the opportunity to participate in this most important debate on the future of the peace process in Bougainville and the well-being of Papua New Guinea as a whole.

It allows us to place on record the sincere appreciation of all of the parties for the support the United Nations has given the peace process, through the United Nations Political Office in Bougainville, Papua New Guinea (UNPOB) — which, for the sake of consistency with agreements between the parties, is known on the ground as the United Nations Observer Mission in Bougainville, Papua New Guinea (UNOMB). It allows us to contribute to the Security Council's review of UNPOB/UNOMB.

Papua New Guinea is, of course, conscious of the basis on which the Security Council agreed to extend UNPOB/UNOMB for a further 12 months at the end of last year. This meeting is therefore additionally welcome and critical to the future of the peace process, enabling the Government, on behalf of all the parties, to raise the issue of — and seek the continuing

assistance of the United Nations in meeting — the need for further support, for a limited period, in fulfilling the remaining responsibilities of the United Nations and completing the assignment previously agreed.

The peace process in Bougainville, Papua New Guinea, not only continues, but keeps moving ahead. While progress is not always as rapid as many observers and participants would prefer, it is nonetheless real and substantial.

While the peace process has some features which are unique to Bougainville and Papua New Guinea as a whole, the way in which it continues, consolidates and progresses is, in certain respects, a model for peace processes in other parts of the world.

The foundations of this peace process lie in the hearts and minds of the people around Bougainville and throughout Papua New Guinea, who are committed to peace. The commitment to practical peace-building by leaders and former combatants on all sides ensures that it keeps gaining strength.

The key to the success achieved to date is the way in which the peace process proceeds on the basis of consultation and cooperation; the same factors may also explain not only the rate at which gains are made but also their solidity.

This success owes a great deal to the support which the peace process has received from UNPOB/UNOMB and to the successive arrangements by which a neutral regional presence has been provided and maintained. The contributors to that neutral regional presence are Australia, Fiji, New Zealand and Vanuatu.

Their cooperation in providing such a presence began when the Truce Monitoring Group arrived in late 1997. It continued when the TMG was replaced by the Peace Monitoring Group (PMG), after the ceasefire agreement was signed on 30 April 1998. Following gradual downsizing, the PMG eventually withdrew on 30 June this year.

The neutral regional presence then took the form of an even more substantially scaled-down presence — the entirely civilian Bougainville transition team, which will withdraw at the end of this month. Like all of its predecessors, the team is unarmed. When it leaves, the peace process will reach another critical milestone on the road to self-sustaining peace.

The Bougainville parties and the national Government will be directly and visibly responsible for maintaining, consolidating and building peace for themselves. Having considered the matter when they met in the Interim Joint Supervisory Body from 21 to 23 October 2003, political leaders in Bougainville and at the national level are agreed that the team's withdrawal can safely proceed.

The Kuri resolution on implementation of autonomy records the Interim Joint Supervisory Body's agreed view. In forming that judgment, leaders have also agreed that it is critical that the United Nations remain on the ground and continue to provide support for a limited time.

It was a sign of the faith that all of the parties have in the United Nations that they originally agreed to give certain critical, very sensitive responsibilities in the peace process to UNPOB/UNOMB. It was a further expression of confidence and trust in the effectiveness of UNPOB/UNOMB that the parties agreed to give this body further responsibilities in relation to weapons disposal.

Those responsibilities are specified in the resolution by which the Peace Process Consultative Committee (PPCC), chaired by the Director of UNPOB/UNOMB, adopted the agreed weapons-disposal plan. They were then incorporated in the Bougainville Peace Agreement. Some of them have now been given force of law, through the amendment to the national Constitution of Papua New Guinea and the organic law implementing the Agreement.

The faith, confidence and trust that the parties have in UNPOB/UNOMB is not only a compliment to this particular body; it is also a strong expression of confidence in the United Nations. Concretely, it also a product of, and a tribute to, the integrity, dedication and effectiveness of the Director, Ambassador Noel Sinclair, and other personnel of UNPOB/UNOMB. It is a mark of the confidence, respect and trust they enjoy on all sides.

The agreed weapons-disposal plan makes UNPOB/UNOMB responsible for supervising and holding one of two keys to each of the containers in which weapons are held at stage II. With the decision on the final fate of the weapons at stage III still to be made and put into effect, this responsibility is an important part of UNPOB/UNOMB's unfinished business — a part of the agreed weapons plan, which

the Government naturally wants to see brought to an end through the destruction of the guns at the earliest practicable opportunity.

In addition, through provisions which are probably unique in the world, the Constitution of Papua New Guinea makes specific reference, at a number of points, to the United Nations Observer Mission in Bougainville. The provision which specifies this body's role in relation to verification and certification of stage II of the agreed weapons plan is no longer relevant, as the responsibilities arising from it have been fulfilled.

The report verifying and certifying stage II was presented to the Government more than four months ago. The Government acted immediately to bring into full operation the constitutional arrangements providing for the establishment of the autonomous Bougainville Government under a Bougainville Constitution made in accordance with the Constitution of Papua New Guinea, and the holding of a deferred and conditional referendum on Bougainville's political future. The remaining responsibilities which the Papua New Guinea constitution vests in UNPOB/UNOMB have to do with determining the outcome of any disputes between the parties on the question of whether conditions are conducive to the holding of elections for an autonomous Bougainville government, including whether the elections should be deferred and the length of any deferral.

The relevant provision is section 279, subsection 2, of the Papua New Guinea Constitution. That provision was agreed upon at a time when the parties expected the peace process to be concluded much earlier than has proved possible. The date specified in the Bougainville Peace Agreement for UNPOB/UNOMB to complete its assignment and leave was a prediction, not an agreed target, and, unfortunately, it has not been achieved. The reason was not a setback, or deliberate delays. It was, in certain respects, a result of the way in which the peace process was founded and has continued to gather strength, through consultation and cooperation.

Thus, Papua New Guinea's request for continuing United Nations support for the peace process is not so much a matter of seeking an extension as of seeing a previously agreed assignment through. It is concerned with ensuring that an agreed role is completed and that remaining responsibilities are fulfilled. Made at a time when peace and good governance are pressing

international concerns, it is a request for assistance in honouring previous agreements to support peace-building and giving effect to provisions contained in Papua New Guinea's democratic Constitution, all of which have been previously agreed.

For the sake of avoiding unnecessary uncertainty, disputes and possible resort to the courts, it would be best if the continuing presence of the United Nations could still be known as the United Nations Observer Mission in Bougainville. Papua New Guinea perhaps with a word like "transitional", "interim" or "temporary" added to make clear that it will exist for only a very limited time, until the autonomous Bougainville government is elected which is expected to be during 2004.

Papua New Guinea's request for United Nations assistance in seeing the role and responsibilities given to UNPOB/UNOMB through is not a matter only of implementing the agreed weapons disposal plan or of meeting formal constitutional requirements. It is also relevant to other concerns.

When the TMG first arrived in 1997, the parties involved in the peace process were aware of the need to consult and cooperate in resolving any difficulties that might arise and in keeping the peace process moving ahead. They therefore agreed to set up a mechanism for that purpose. The Cairns Commitment was signed in late 1997. When the Ceasefire Agreement was signed and UNPOB/UNOMB commenced, the mechanism evolved into the Peace Process Consultative Committee (PPCC), which the head of UNPOB/UNOMB has, by agreement, been invited to chair.

The PPCC is the principal means of ensuring regular contact between all of the parties involved in the peace process. It is the forum in which the national Government and the former combatant groups, in particular, can consult when difficulties arise and cooperate in planning the way ahead.

It is vital that the PPCC continue to operate until a government representative of the people of Bougainville is elected and assumes responsibility for the government of Bougainville under the agreed autonomy arrangements contained in the Bougainville Peace Agreement and implementing laws. As I have already said, that is expected to take place during 2004. As the Kuri resolution on the implementation of autonomy records, leaders on all sides see a need for a

continuing United Nations presence until then. They have also agreed the United Nations should cease operating and should leave as soon as the autonomous Bougainville government has been elected.

The agreement contained in the resolution states,

"that in view of the important role that UNOMB and its director continue to play, and the confidence and trust they enjoy on all sides, the national Government should seek an extension for UNOMB under the continuing leadership of His Excellency Ambassador Noel Sinclair for a further 12 months, or, if earlier, until the elections for the autonomous Bougainville government have been held and the autonomous Bougainville government is set up."

The meaning is clear: there is still a continuing need for the United Nations to continue, consolidate and complete the remaining responsibilities originally agreed upon for UNPOB/UNOMB. The United Nations presence should remain until the autonomous Bougainville government has been elected. It should then be withdrawn. None of the parties wants to see the peace process become dependent on external support. All of them are committed to honouring the letter and the spirit of existing agreements. They are determined to see that peace-building and peace itself become self-sustaining as soon as the agreed procedures for establishing the autonomous Bougainville government have been followed and elections held.

Agreement to place the Bougainville Peace Agreement within the framework of the Papua New Guinea Constitution is basic to the entire Agreement. It was, in certain respects, quite hard-won, as far as certain Bougainville parties were concerned. It is critical for the National Government and Papua New Guinea as a whole. It is therefore very important that the United Nations maintain a continuing presence in Bougainville until the agreed processes for building peace and getting the autonomous Bougainville government up and running have been achieved.

The respect and trust that the head, Ambassador Noel Sinclair, and the personnel of UNPOB/UNOMB enjoy has a very significant influence on the parties' willingness to compromise. There are many advantages to asking Ambassador Noel Sinclair, in particular, to stay on so that the parties can continue to draw on his experience and influence and so that unnecessary disruption can be avoided. The sensitive way in which

the Ambassador has encouraged the parties to come together has facilitated agreement. Recently, he was able to provide encouragement with respect to the resolution in which the main former combatant groups committed themselves to destruction as the ultimate goal of weapons disposal.

The head and staff of UNPOB/UNOMB continue to support and promote further cooperation among all parties. They make a significant, active contribution to efforts to remove existing barriers and bring Francis Ona and his remaining supporters in the "no-go zone" around Panguna into the peace process so that peace can be secured throughout Bougainville.

The attendance by former members of the Me'ekamui Defence Force at recent PPCC meetings, together with their active involvement in the recent meeting of former combatants on Nissan Island to prepare for stage III of weapons disposal, shows that progress is being made. Meanwhile, the national Government and the Bougainville parties continue to consult and cooperate in developing a constitution for the autonomous Bougainville government. The Government has recently acted decisively to resolve issues that might otherwise have impacted negatively on constitution-making in Bougainville.

The Government has also acted decisively to delegate certain police functions and powers to Bougainville in order to prepare the way for strengthening policing there in other ways. It is preparing for progress on the restoration of civil authority more generally, including with regard to courts and correctional services. In fact, the police Commander in Bougainville will be commissioned as an Assistant Commissioner of the Royal Papua New Guinea Constabulary in the next day or so, with the enhanced delegation of functions and powers that go with his new rank.

The National Executive Council, which is the Cabinet of Papua New Guinea, has already delegated its own functions and powers in relation to policing to the Bougainville Interim Provincial Government, which will exercise them, on the basis of the principles that apply to the police at the national level — with the addition, in this case, of informal consultations with the Bougainville People's Congress.

Bougainville police will be allowed to wear special insignia on their uniforms. The national Government has mobilized funds to help reduce

tensions by settling outstanding financial claims, entitlements and other payments.

In relation to weapons disposal, the conditions that former combatants have placed on the implementation of destruction at stage III — reconciliation, and the implementation of the Bougainville constitution — have no authority under the Bougainville Peace Agreement. The agreement does not provide for delay. The PPCC meeting which is due to be held in Buka this week should agree to destruction and implement the decision with all deliberate speed, so normalcy can return and peace can be secured.

Thus, the peace process in Bougainville, Papua New Guinea, continues to advance. The letter that my Government has sent to the Secretary-General, Kofi Annan, and the aide-memoire that we have circulated to members of the Security Council, explain our request for UNPOB/UNOMB and Ambassador Noel Sinclair to remain.

We recognize the need for economy and for an exit strategy. We are aware of legitimate pressures for UNPOB/UNOMB to remain lean, focused and effective. We accept that the successor to UNPOB/UNOMB in its present form will therefore probably have to be somewhat scaled down.

Papua New Guinea is grateful for the support that Australia and other countries in our region have expressed for our request. We are confident others will be sympathetic and give their support; I was pleased to hear this morning that many support the continued presence of the United Nations.

Papua New Guinea also appreciates that the various United Nations organs have roles and responsibilities of their own. My Government understands the need to follow proper procedures. It is against the background of our shared understanding with officials and other States Members of the United Nations that Papua New Guinea seeks a continuing United Nations presence in Bougainville, Papua New Guinea, for a limited time to see the role and responsibilities given to UNPOB/UNOMB through to an early conclusion. We make that request as part of our commitment to the goal that has guided the peace process from the earliest stages: to secure lasting peace by peaceful means so that peace becomes self-sustaining.

Papua New Guinea commends that request to the Security Council for its most careful consideration and support. In doing so, I take the opportunity to express once again and to emphasize, on behalf of all parties, Papua New Guinea's sincere appreciation for the contributions UNPOB/UNOMB has made, the support that the Secretary-General and the Security Council have provided and the assistance that a number of United Nations specialized agencies continue to provide to the peace process and to practical peace-building in Bougainville, Papua New Guinea.

The President (*spoke in French*): In order to optimize the use of our time, I shall not individually invite speakers to take seats at the Council table. When a speaker is taking the floor, the Conference Officer will seat the next speaker at the Council table.

I now call on the representative of New Zealand.

Mr. MacKay (New Zealand): I thank Assistant Secretary-General Türk for his comprehensive briefing to the Council this morning. New Zealand welcomes the ongoing progress with the peace process on the Papua New Guinea island of Bougainville, and we are grateful to the United Nations Political Office in Bougainville (UNPOB) for its useful role in that effort. I should also say that we very much appreciate the support provided by the Department of Political Affairs and its staff at the New York end.

While it is encouraging that Bougainville factions have met to discuss the final fate of the weapons that have been contained, we would have hoped that an unambiguous decision to immediately destroy the weapons could have been made. We encourage all parties to expedite a final decision to destroy the contained weapons and thus to conclude the disarmament process on the island.

We are mindful that the Government of Papua New Guinea has requested the United Nations to continue to play a constructive role in the peace process. It is of key importance, as the peace process progresses, to ensure that all Bougainvilleans have a say in setting the agenda for the process. Too often in the recent past, the views of former combatants have been given disproportionate weight. An ongoing United Nations political presence should therefore be structured in such a way so as to ensure that the voices of all Bougainvilleans are heard.

The main concern for the vast majority of Bougainvillians is the improvement of their social and economic conditions. New Zealand, along with Australia and other donors, has made significant investments in the development of the island. We encourage enhanced engagement by United Nations funds and programmes to complement those efforts.

Should the Council approve a continued United Nations political presence, the size of that mission should be reflective of the needs on the ground at present, and Council members will want to weigh carefully the views that have been put to them today on that point.

The President (*spoke in French*): I now call on the representative of Australia.

Mr. Dauth (Australia): I ordinarily dispense with courtesies — I am an Australian, after all — but this morning, I want particularly to thank you, Sir, for this meeting and to commend you on your excellent stewardship of the Council this month, and indeed for an outstanding term over the past two years. In addition, I want to thank Danilo Turk for his extremely helpful and practical contribution and to thank his colleagues for the excellent work they do on this issue.

We welcome the opportunity to address the Security Council as it considers this issue. As the Council is aware, we are a strong supporter of the Bougainville peace process. Importantly, our support has included leadership of the four-country regional Peace Monitoring Group and, more recently, the small, civilian Bougainville Transition Team. Both of those bodies have worked closely with the United Nations Political Office in Bougainville (UNPOB), particularly in implementing the agreed weapons disposal plan.

The peace process has now moved well beyond the fragile ceasefire agreement of 1998. We acknowledge recent developments in the peace process, including the in-principle agreement by former combatants to destroy their weapons during an Australian-funded meeting on Nissan Island, agreement on many of the practical challenges facing Bougainville through the Kuri Resolution on Implementation of Autonomy, and the recent delegation of policing powers. We look forward to more progress at this week's meeting of the Peace Process Consultative Committee.

The peace process has now reached a point at which the parties are talking about moving beyond immediate post-conflict issues to the issues involved in restoring democratic good governance. Peace is now becoming self-sustaining. In consultation with our regional partners, and with the support of parties to the peace process, we will therefore withdraw the Bougainville Transition Team at the end of the year. We will remain involved, but our support will now flow more directly through our bilateral cooperation with Papua New Guinea.

Australia notes the final extension of UNPOB's mandate granted by the Security Council last year, and we agree that UNPOB should now be brought to an end. The international community must, however, remain involved. In particular, we note that the United Nations was recently asked by the parties to remain engaged in Bougainville and that it has a clear role under the Bougainville Peace Agreement in verifying and certifying the weapons disposal process.

We endorse Papua New Guinea's requests for a smaller, more focused United Nations presence. Such a presence could support the conclusion of the weapons disposal process; facilitate the finalization of Bougainville's constitution; and encourage planning for early, free and fair elections. It should be transitional in nature and could, in the first instance, be headed by UNPOB's current director, Noel Sinclair.

In the period ahead, Bougainville will face serious challenges — challenges that Australia remains committed to helping the parties overcome. Over the next four years, our development assistance will focus on good governance and on helping the parties to establish a viable and affordable autonomous administration for Bougainville. Our aid will also maintain support for essential services and economic growth. We hope to open that programme to other donors, and we will invite interested States to contribute.

We are particularly aware of the challenge of maintaining law and justice, including an effective and credible police force. On 11 December this year, Australia and Papua New Guinea entered a new era of cooperation, through which Australian police and officials will work side by side with Papua New Guineans to help the Government of Papua New Guinea to address its key challenges. As part of that package of enhanced cooperation, Australia has offered

to send a police team of up to 20 personnel to Bougainville. They are available to start work on Bougainville within weeks. Those personnel will work alongside members of the Royal Papua New Guinea Constabulary to help to restore confidence in the police force on Bougainville, to enhance its policing capacity and to assist with the future training and development of new recruits. We will also provide some basic policing equipment, and we will work closely with New Zealand to strengthen other key components of the law and justice sector, including improved police training, courts, correctional services and community policing.

Australia urges all parties to remain seized of the serious challenges facing Bougainville and to move swiftly to conclude the peace process and to prepare for free and fair elections. Australia remains committed to providing the parties with continued support. We hope that the international community, and in particular the United Nations, will also stand ready to assist in those endeavours.

The President (*spoke in French*): I thank the representative of Australia for the kind words he addressed to me.

I now call on the representative of Japan.

Mr. Haraguchi (Japan): At the outset, I should like to say that the Japanese Government welcomes the continued and steady progress in the peace process in Bougainville since the previous open meeting on this matter, held in August of this year. We are pleased that the implementation of the 2001 peace agreement is in its final stage, Stage III, in which the final disposition of the collected weapons is to be decided, is in progress. It is the wish of the international community that once security has been restored through completion of the weapons disposal plan, the first elections for an autonomous government in Bougainville, as provided in the Bougainville Peace Agreement, be held promptly, so that the people of Bougainville will be able to live in peace and start the restoration and development process through their own volition.

My Government appreciates the steady execution by the United Nations Political Office in Bougainville (UNPOB) of its mandate, including the collection of weapons, since its establishment in 1998. Now that the peace process is in its final stage, it is crucial that the peace that has been attained in Bougainville, after the

end of the long-term conflict that lasted a decade, be definitively and irreversibly consolidated. In order for UNPOB to complete the work that is yet to be done, we support the extension of its mandate, to the extent necessary.

At the same time, however, I must add that Japan, as a Member State which is obliged to share as much as 19.6 per cent of the United Nations budget, is gravely concerned about the continuing expansion of the United Nations budget. Therefore, we request that after its mandate is extended, UNPOB provide evaluation reports at an appropriate time, so that countries concerned, including Japan, will be able to verify the effectiveness of its activities. In addition, we believe that closer coordination and cooperation with the United Nations Development Programme (UNDP) and other relevant organs of the United Nations system that are conducting activities in the field, would be conducive to an early completion of UNPOB's mandate. In that context, my delegation would like to welcome some suggestions made earlier in this forum on the downsizing of UNPOB's structure and the sharing of office space between UNPOB and UNDP.

Support for the consolidation of peace in the aftermath of a conflict is one of the pillars of Japan's foreign policy. In this context, I would like to mention that, at the Third Japan-Pacific Islands Forum Summit Meeting, hosted by my Government in May of this year, Japanese Prime Minister Koizumi, Prime Minister Somare of Papua New Guinea and other Pacific Islands Forum leaders identified enhanced security in the Pacific region as one of the priority policy objectives that must be addressed jointly by Japan and Forum members. As one concrete effort in pursuit of that objective, my Government began this October to provide assistance for improvement in such areas as education, public health and transportation infrastructure, with a view to ensuring stability in the daily lives of the people of Bougainville and strengthening their economy.

It is the intention of my Government to continue to pay close attention to developments in the peace process in Bougainville.

The President (*spoke in French*): I now give the floor to Mr. Türk to respond to questions posed and comments made by the delegations.

Mr. Türk: There were no specific questions that I need to answer at this point, but I would like to say

how much we in the Secretariat appreciate the positive comments that were heard in this discussion. We shall not fail to convey to Mr. Noel Simclair the words of appreciation which Security Council members and others have expressed. We are gratified that the Security Council appreciates the sensitivity of the current situation with regard to strengthening peace in Bougainville.

We are equally encouraged by the support that we have heard, for the proposal of the Secretary-General regarding the follow-up to the United Nations Political Office in Bougainville (UNPOB), and I would like to again stress that this will be a very small mission and one which will continue to be an example of the effectiveness of United Nations work.

We have heard various comments made in that regard, including the comment by the Ambassador of New Zealand, who emphasized that the ongoing United

Nations political presence should be structured to ensure that the voices of all Bougainvilleans are heard. That is indeed a very important principle.

Finally, we are strongly encouraged by the understanding expressed in the discussion, for the need to pursue the finalization of three principle objectives in Bougainville — autonomy and elections, weapons destruction, and development and commitments which were made to the development of Bougainville and to the assistance necessary in the future. All of that bodes well for the future of United Nations work in that area and we hope that work will be successful.

The President *(spoke in French)*: I thank Mr. Turk for his clarifications. There are no other speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12:53 p.m.



Security Council

Fifty-eighth year

Provisional

4881st meeting

Monday, 15 December 2003, 10 a.m.

New York

Corrigendum

Page 10, first column, China

The name of the speaker should be **Mr. Wang Guangya**

First paragraph: The last sentence should begin "The Government of Papua New Guinea has also delegated its control ..."

Second paragraph: At the end of the third line, delete "new"





Security Council

Fifty-eighth year

Provisional

4882nd meeting

Monday, 15 December 2003, 12.05 p.m.
New York

<i>President:</i>	Mr. Tafrov	(Bulgaria)
<i>Members:</i>	Angola	Mr. Lucas
	Cameroon	Mr. Tidjani
	Chile	Mr. Andereya Latorre
	China	Mr. Cheng Jingye
	France	Mrs. D'Achon
	Germany	Mr. Pleuger
	Guinea	Mr. Sow
	Mexico	Mrs. Arce de Jeannet
	Pakistan	Mr. Khalid
	Russian Federation	Mr. Konuzin
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Ms. Howe-Jones
	United States of America	Mr. Rosenblatt

Agenda

Protection of civilians in armed conflict

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.



The meeting was called to order at 12:05 p.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council recalls its resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 on the protection of civilians in armed conflict, as well as the statements by its President of 12 February 1999 (S/PRST/1999/6), of 15 March 2002 (S/PRST/2002/6) and of 20 December 2002 (S/PRST/2002/41), and reaffirms the need to keep the protection of civilians in armed conflict as an important item on the Council's agenda.

"The Security Council also reaffirms its concern at the suffering inflicted upon, and hardships borne by, civilians during armed conflict, and recognizes the consequent impact that this has on durable peace, reconciliation and development. The Security Council strongly condemns all attacks and acts of violence directed against civilians or other protected persons under international law, in particular international humanitarian law in situations of armed conflict, including such attacks and acts of violence against women, children, refugees, internally displaced persons and other vulnerable groups; reaffirms the need for parties to armed conflict to take all possible measures to ensure the safety, security and freedom of movement of United Nations and associated personnel as well as personnel of international humanitarian organizations in accordance with applicable international law; and recognizes that secure humanitarian access and the swift re-establishment of the rule of law, justice and reconciliation are essential components for an effective transition from conflict to peace. The

Security Council reiterates its call to all parties to armed conflict to comply fully with the provisions of the Charter of the United Nations and with the rules and principles of international law, in particular international humanitarian, human rights and refugee law, and to implement fully the relevant decisions of the Security Council. The Security Council recalls the obligations of States to respect and to ensure respect for international humanitarian law, including the four Geneva conventions, and emphasizes the responsibility of States to end impunity and to prosecute those responsible for genocide, war crimes, crimes against humanity and serious violations of humanitarian law. The Security Council also notes with interest the proposal presented by the Under-Secretary-General for Humanitarian Affairs at the 4 December open meeting of the Security Council for a '10-point action plan' on the protection of civilians in armed conflict, and looks forward to further discussions and consultations on this issue.

"Recalling that on 15 March 2002 the Security Council adopted the Aide Memoire annexed to the statement by its President (S/PRST/2002/6) as a means to facilitate its consideration of issues pertaining to protection of civilians, and recalling further that in the statement by its President of 20 December 2002 (S/PRST/2002/41) the Security Council expressed its willingness to update annually the Aide Memoire in order to reflect emerging trends in the protection of civilians in armed conflict, the Security Council adopts the updated Aide Memoire contained in the annex to this presidential statement. The Security Council reiterates the importance of the Aide Memoire as a practical tool that provides a basis for improved analysis and diagnosis of key protection issues during deliberations on peacekeeping mandates, and stresses the need to implement the approaches set out therein on a more regular and consistent basis, taking into account the particular circumstances of each conflict situation, and undertakes to remain actively seized of the matter."

This statement and an updated Aide Memoire will be issued as a document of the Security Council under the symbol S/PRST/2003/27.

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 12:15 p.m.



Security Council

Fifty-eighth year

Provisional

4883rd meeting

Tuesday, 16 December 2003, 10.15 a.m.

New York

<i>President</i>	Mr. Taffes	(Bulgaria)
<i>Members</i>	Angola	Mr. Gaspar Martins
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mr. Muñoz
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Sow
	Mexico	Mr. Berruga Filoy
	Pakistan	Mr. Akram
	Russian Federation	Mr. Lavrov
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Negroponte

Agenda

The situation between Iraq and Kuwait

Report of the Secretary-General pursuant to paragraph 24 of resolution 1483 (2003) and paragraph 12 of resolution 1511 (2003) (S/2003/1149)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.



The meeting was called to order at 10 20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

Report of the Secretary-General pursuant to paragraph 24 of resolution 1483 (2003) and paragraph 12 of resolution 1511 (2003) (S/2003/1149)

The President (*spoke in French*): I should like to inform the Council that I have received a letter from the *Chargé d'affaires ad interim* of Iraq in which he requests that His Excellency Mr. Hoshiyar Zebari, Minister for Foreign Affairs of Iraq, be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council and as agreed in its prior consultations, to invite His Excellency Mr. Hoshiyar Zebari, Minister for Foreign Affairs of Iraq, to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

On behalf of the Council, I extend a warm welcome to His Excellency Mr. Hoshiyar Zebari, Minister for Foreign Affairs of Iraq.

At the invitation of the President, Mr. Zebari (Iraq) took a seat at the Council table.

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. Members of the Council have before them the report of the Secretary-General (S/2003/1149) pursuant to paragraph 24 of resolution 1483 (2003) and paragraph 12 of resolution 1511 (2003). I should also like to draw the attention of the members to the following documents: letter dated 2 December 2003 from the President of the Security Council addressed to the *Chargé d'affaires a.i.* of the Permanent Mission of Iraq to the United Nations (S/2003/1169), and letter dated 11 December 2003 from the *Chargé d'affaires a.i.* of the Permanent Mission of Iraq to the United Nations addressed to the President of the Security Council (S/2003/1170).

I welcome the presence of the Secretary-General, Mr. Kofi Annan, at this meeting, and I give him the floor.

The Secretary-General: We meet three days after the capture by Coalition forces of Saddam Hussein. His capture is not just a symbol of the downfall of the former regime in Iraq. It is also an opportunity for a new beginning in the vital task of helping Iraqis to take control of their destiny — of helping them to create a secure, stable and independent Iraq which can once again take its proper place in the region and in the international community.

The task of restoring the effective exercise of sovereignty to Iraqis, in the form of a provisional Government, is urgent. While there may not be time to organize free, fair and credible elections for that purpose, it is essential that the process leading to the formation of a provisional Government be fully inclusive and transparent. Every segment of Iraqi society should feel represented in the nascent institutions of their country. No one should feel excluded, pending the subsequent holding of free elections for a constituent assembly and a parliament. Iraqis must have real ownership of the process by which they are governed.

Let me also say that it is right that Hussein should be held to account for past deeds, through a procedure that meets the highest international standards of due process. Accounting for the past will be an important part of bringing about national reconciliation — a process that is vital to Iraq and to all Iraqis.

The United Nations is ready to play its full part in helping Iraqis resume control over their destiny and build a better future. The report before the Council (S/2003/1149) sets out my thinking on this in considerable detail.

The Security Council, in resolution 1511 (2003) of 16 October 2003, resolved that the United Nations should strengthen its vital role in Iraq. But the Council was also mindful of the fact that, owing to persistent security concerns, few international United Nations staff could continue to operate inside the country for the time being. Our challenge, therefore, has been to find creative ways of intensifying our engagement despite diminished capacity on the ground. The report before the Council explains how we have attempted to meet that challenge and how we propose to do so in the coming months.

As my report makes clear, despite the temporary relocation of international staff outside the country, the United Nations has not disengaged from Iraq — far from it. Nor does it mean that we will not return in full force when circumstances permit. Meanwhile, however, our on-the-ground engagement in important political and human rights work has suffered tremendously as a result of the 19 August bombing, which decimated the Office of the Special Representative, the core part of the United Nations Assistance Mission for Iraq (UNAMI).

The Office needs to be reconstituted. I have started that process with the appointment of Ross Mountain as my Acting Special Representative. He will head our efforts to establish a core of UNAMI based outside the country. He will also lead our planning for the Mission's eventual and incremental return to Iraq as soon as circumstances permit.

We cannot say with any certainty when circumstances will indeed permit the return of international staff to the country on a permanent basis. But there is much that we can do, and that we are already doing, from outside the country. I myself remain in close contact with heads of State or Government, Foreign Ministers and ambassadors, trying to help forge international consensus on the way forward. To that end, on 1 December I convened a meeting of members of the Security Council and States of the region. For its part, the core team of UNAMI based in the region will keep abreast of key developments on the political and human rights fronts and will explore avenues for United Nations assistance while preparing the ground for United Nations involvement in the longer term.

Meanwhile, as my report indicates, we need much greater clarity on what is expected of the United Nations, by Iraqis and by the Coalition, in terms of assistance to the political transition. That is not, as some have concluded, a formula for the United Nations to stand aloof from the process. The stakes are too high for the international community just to watch from the sidelines. Rather, I have called for clarity because, in taking the difficult decisions that lie ahead, I need to weigh the degree of risk that the United Nations is being asked to accept against the substance of the role we are being asked to fulfil. I therefore need to know how responsibilities will be allocated and who will be taking what decisions. Above all, I need to know what

the Iraqis expect of the United Nations, and whether we will be in a position to meet those expectations.

Iraq is likely to remain a difficult environment. We should not expect that the end of the occupation and formation of a provisional Government will automatically bring about an end to insecurity, even though we should expect some improvement. Events of the past three days should remind us that we must remain prudent in our assessments. There is no panacea.

But a credible and inclusive transition — one that broadens the base of support for the provisional Iraqi Government — offers the best hope of stability, and of political mobilization by Iraqis against the violence.

At every step along the road, there will be formidable challenges. But these challenges will not be insurmountable if a genuinely national Iraqi agenda is forged, and if it is supported by a united international community, including Iraq's neighbours and key States in the region, which have a crucial role to play.

Political, financial and military assistance will be required for some time to come. As emphasized in my report, the Iraqi people need to be reassured that the international community — current Coalition and non-Coalition members alike — will respond generously to their requests for help. And they need to be confident that this commitment will be maintained down the road, when a provisional Government has been formed and when the situation in Iraq may no longer dominate news headlines.

The 26 million people of Iraq have endured decades of war, sanctions, tyranny and misery. They are now living through a process that will define the future of their country, for their sake, and for the memory of those who have given their lives to help.

The President (*spoke in French*): I thank the Secretary-General for his statement.

I now give the floor to His Excellency Mr. Hoshyar Zebari, Minister for Foreign Affairs of Iraq.

Mr. Zebari (Iraq): Saturday was a historic day for Iraq. We Iraqis have waited so long for our nightmare to be over, and now Saddam Hussein has finally gone, along with the fear, the genocide and the terror that he inflicted, and he is never coming back. Instead, he must now answer to the Iraqi people for his

crimes against humanity. At last Iraqis can begin the long-overdue healing process of seeking unity, peace and national reconciliation without the shadow of evil hanging over them.

On behalf of the Iraqi people, I would like to thank the Coalition for its part in delivering this mass murderer into the hands of the people he brutalized for so long so that justice can finally be done. But while the celebrations continue, we must persevere in efforts to empower our people to take charge of their own destiny as soon as possible and let Saddam's capture mark the beginning of a new era in Iraq's history.

In accordance with paragraph 7 of Security Council resolution 1511 (2003), which invited the Governing Council to set forth a timetable for drafting a new constitution and holding democratic elections, we would like to present to the Security Council the timetable set out in the Agreement on Political Process. This agreement was signed on 15 November by the Iraqi Governing Council and the Coalition Provisional Authority in Baghdad, and it lays down the following principal stages and conditions.

The Iraqi Governing Council, in consultation with the Coalition Provisional Authority, will draft a Fundamental Law which sets out the timetable leading to elections, the mandate of a sovereign Iraqi transitional administration and the principles to be followed prior to drawing up a permanent constitution. The key elements include provisions for human rights and guarantees of freedoms, a federal structure for Iraq, civilian control of Iraqi armed forces, judicial independence and a timetable for drafting and ratifying Iraq's new constitution and holding direct elections. Approval of the Fundamental Law is to be completed by 28 February 2004.

Bilateral agreements with the Coalition on security and on the status of Coalition forces in Iraq will be completed by the end of March 2004.

Election of members of a transitional national assembly will be conducted through a process of regional caucuses in Iraq's 18 provinces organized by a national committee of selected Iraqis. Nominations to the caucuses will be solicited from political parties, local councils, professional, academic and civic associations and tribal and religious groups. Each governorate selection caucus will elect representatives to the new transitional assembly by 31 May 2004.

The transitional assembly will then elect an executive and appoint ministers, who will form the transitional administration by 30 June 2004, when it will assume full sovereign powers; the Coalition Provisional Authority and the Governing Council will subsequently dissolve.

According to the timetable detailed in the Fundamental Law, a constitutional convention to draw up a permanent constitution for Iraq will be directly elected by the Iraqi people by 15 March 2005. A final draft will be presented and a popular referendum will be held to ratify the constitution.

Elections for a new Iraqi Government, based on the new constitution, will be held by 31 December 2005, at which point the Fundamental Law will expire.

This plan clearly spells out the steps we must take to rightfully restore full sovereignty to Iraq, in the interim through a transitional administration, and ultimately embodied in a new, historic constitution for our country. The Governing Council unanimously agreed upon this timetable at its inception. We consider it to be unambiguous, comprehensive and achievable, and we remain wholly committed to its implementation. However, we stress that progress will continue to depend on the security situation in Iraq, until we see significant improvements, the road ahead is not going to be easy. The capture of Saddam Hussein will deal a huge blow to his misguided former loyalists, but we need to empower Iraqis to take charge of their own security. This timetable gives a clear deadline for the transfer of this responsibility to Iraqis, but this must run in parallel with the political process towards a sovereign Iraqi Government.

Iraq is a country traumatized by a legacy of decades of unimaginable human suffering, gross violations of human rights and the effects of systematic policies designed to rip our country apart along ethnic or religious lines. What you see today is an unprecedented effort among leaders and political, religious, ethnic and sectarian groups to unite against the tyranny of the past and work together to build a democratic future for our people. This momentum demands international encouragement and recognition so that the Iraqi people can move forward with confidence and hope. Iraq must not live any longer in the past but look forward to the future, and the United Nations is the key forum for collective international

action to help us achieve our goals of restructuring and democratizing our country.

The Iraqi people have always welcomed the vital role of the United Nations in Iraq and appreciated its humanitarian services and commitment to programmes, which have been a lifeline to so many Iraqis throughout the prolonged Iraq crisis. I would like to pay tribute to the late Sergio Vieira de Mello, who was an exemplary role model of how effective the United Nations can be in Iraq. Those of us who had the honour to work with him can tell you of his efforts in furthering the political process, particularly in establishing the Governing Council, and we feel a deep sense of loss at his tragic and untimely death.

His contribution underscores the need to see an expanded United Nations role in Iraq on many levels: humanitarian relief, capacity and nation building, promoting sustainable development and advancing the electoral and political process. We thus urge the appointment of a special representative in Iraq. Your help and expertise cannot be effectively delivered from Cyprus or Amman. We understand the devastating losses the United Nations suffered on 19 August, but as the United Nations has offered reassurance by its presence in so many dangerous and difficult situations, we are ready and willing to help provide whatever security is required to see it return to Iraq.

We welcome the appointment by the Secretary-General of the acting Special Representative, Mr. Ross Mountain, and we look forward to meeting him in Baghdad to discuss the United Nations role and operations in Iraq.

We call upon the Members of the United Nations to look beyond their differences over the decision to go to war in Iraq and come together to forge an international consensus. Settling scores with the United States-led coalition should not be at the cost of helping to bring stability to the Iraqi people. This squabbling over political differences takes a backseat to their daily struggle for security, jobs, basic freedoms and all the rights the United Nations is chartered to uphold.

For our part, we in the new Iraq are reaching out to our neighbours and engaging the international community, but we insist on playing a full part in any initiatives that concern the future of our country. Without Iraqi participation in discussions that have Iraqi interests at stake, such as the recently formed United Nations contact group, decisions taken cannot

be held as valid. Iraq is our country and our opinion must not be excluded. As Iraqis, we strongly disagree with those views that question the legitimacy of the present Iraqi authorities and I would like to remind you that the Governing Council is the most representative and democratic governing body in the region. For this reason, members of the United Nations Security Council should be reaching out and engaging us to encourage this nascent democracy in a region well known for its authoritarian rule.

With the greatest respect, the situation in Iraq is much more complicated than that of Afghanistan or Somalia. Its geographic and strategic position means that developments in Iraq impact security and stability across the region of the Middle East. Members of the United Nations have an international responsibility to increase cooperation and overcome their differences to help us in the fight against terrorism. Iraq increasingly provides a magnet to terrorists and all those who want to bring their war against the United States to our country.

However, this is not just a problem for the coalition. Just as the scourge of terrorism is a global phenomenon, the security situation in Iraq cannot be viewed in isolation. The consequences of allowing the terrorists to win in Iraq will spill over our borders and no country will be safe. The timetable presented to you today represents the calendar for a future democratic and stable Iraq in the heart of the Middle East, and we all have Iraq's national interests at heart and share the responsibility to make it work.

One year ago, this Security Council was divided between those who wanted to appease Saddam Hussein and those who wanted to hold him accountable. The United Nations as an organization failed to help rescue the Iraqi people from a murderous tyranny that lasted over 35 years and today we are unearthing thousands of victims in horrifying testament to that failure. The United Nations must not fail the Iraqi people again.

After eight months of liberation, Iraqis are slowly beginning to get back on their feet with the help of their allied friends, and they are eagerly awaiting the help of the international community, led by the United Nations. And so we ask you today: please put aside your differences, pull together and work with us and all those who have contributed and sacrificed so much, to realize our shared objectives of a sovereign, united and democratic Iraq.

The President (*spoke in French*): I thank the Minister for Foreign Affairs of Iraq for his statement.

In accordance with the understanding reached in the Council's prior consultations, I would now like to

invite the Secretary-General, the Minister for Foreign Affairs of Iraq and Council members to a private meeting to continue our discussion of the subject.

The meeting was adjourned at 10.50 a.m.



Security Council

Distr.: General
16 December 2003

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Official communiqué of the 4884th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Tuesday, 16 December 2003,
at 10.55 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 4884th meeting, held in private on 16 December 2003, the Security Council considered the item entitled 'The situation between Iraq and Kuwait'.

"In accordance with the understanding reached in the Council's prior consultations, the President, with the consent of the Council, extended an invitation under rule 37 of the Council's provisional rules of procedure to the Minister for Foreign Affairs of Iraq, His Excellency Mr. Hoshya Zebari.

"The members of the Security Council and the Minister for Foreign Affairs of Iraq had a constructive exchange of views."

